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STAFF REPORT

STAFF REPORT DATE: May 23, 2018

HEARING DATE: May 30, 2018

TO: Planning Commission

FROM: Sandra Monsalvè-Freund, AICP, Planning Supervisor / Development Process Coordinator

PROPOSAL: **Chick-fil-A New Restaurant with Drive-Thru & Extended Hours (CU2018-0003 DR2017-0138 LD2017-0004 TP2017-0016)**

LOCATION: The subject property is ± 1.38 acres and located at 2970 SW Cedar Hills Blvd., Beaverton, and is described as Tax Lots 2400 and 1700 of Washington County Tax Assessor's Map 1S109AD.

SUMMARY: The applicant, Chick-fil-A, seeks approval of a Conditional Use Permit for Extended Hours of Operation from 5:00 am to 7:00 am, and 10:00 pm to 11:30 pm, Monday through Saturday; approval of a Design Review Two application, for the construction of a new approximately 4,815 square foot restaurant with drive-through; approval of a Tree Plan Two application, for the removal of up to five (5) community trees, in order to accommodate the proposed project; and a Replat One application in order to consolidate two legal lots of record into one legal lot.

APPLICANT/ Chick-fil-A, Inc.
Attn: Steve Schwartz
15635 Alton Parkway, Suite 350
Irvine, CA 92618

PROPERTY OWNER: MB Real Properties
9440 N. Whitaker Road
Portland, OR 97217

APPLICANT REPRESENTATIVE: DOWL
Attn: Serah Breakstone
720 SW Washington Street Suite 750
Portland, OR 97205

APPLICABLE CRITERIA: *Facilities Review, Section 40.03*
New Conditional Use, Section 40.15.15.3
Design Review Two, Section 40.20.15.2
Land Division – Replat One, Section 40.45.15.2
Tree Plan Two, Section 40.90.15.2

STAFF RECOMMENDATION:

CU2017-0014 (Chick-Fil-A): Approval subject to conditions identified at the end of this report.

DR2018-0031 (Chick-Fil-A): Approval subject to conditions identified at the end of this report.

LD2017-0004 (Chick-Fil-A): Approval subject to conditions identified at the end of this report.

TP2017-0016 (Chick-Fil-A): Approval subject to conditions identified at the end of this report.

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Project Overview

The applicant, Chick-Fil-A, seeks approval of a Conditional Use Permit for Extended Hours of Operation; approval of a Design Review Two application, for the construction of a new approximately 4,815 square foot restaurant with drive-through; approval of a Tree Plan Two application, for the removal of up to five (5) community trees, in order to accommodate the proposed project; and a Replat One application in order to consolidate two legal lots of record into one legal lot.

The subject property is \pm .902 acres and is the currently developed with Baxter's Auto Parts. The new restaurant with drive-through facilities will replace the auto parts store, which will be demolished. The subject site is located just southeast of the intersection of SW Cedar Hills Boulevard and SW Jenkins Road, and northeast of the intersection of SW Cedar Hills Boulevard and SW Fairfield Street. The site has direct access onto SW Cedar Hills Boulevard and access via reciprocal access easements to SW Jenkins Road and SW Gem Lane through the Jack in the Box restaurant property.

The subject site is immediately adjacent to commercially zoned properties to the north and south (Jack in the Box and O'Reilly Auto Parts), and across SW Cedar Hills Boulevard; and residentially zoned properties along the southeast side and rear of the property. These residential areas are within unincorporated Washington County and zoned R5 (Residential 5 units per acre). The entire rear of the property abuts residentially zoned properties (R2-Urban Medium-Density), and are within the City of Beaverton city limits. The site is also comprised of landscape trees and some community trees. The applicant has proposed removal of up to five (5) community trees, necessitating a Tree Plan Two application, as well as a Lot Consolidation (Replat One) of the eastern property, \pm .478 acres (Tax Lot 2400) to be consolidated with the subject site, Tax Lot 1700, to total \pm 1.38 acres for the subject site.

The overall site design features include the 4,815 square foot restaurant with a two (2) lane drive-through facility; 50 vehicular parking spaces, including two (2) ADA compliant spaces; four (4) bicycle parking spaces; outdoor dining area and plaza along the SW Cedar Hills Boulevard frontage, and finally approximately 13,700 square feet of landscaped area. The applicant has also requested a Conditional Use Permit for Extended hours of operation, in order to accommodate one (1) semi-truck delivery from 5:00 am to 7:00 am; allow employees on premise in order to assist with unloading of delivery goods; prepare the restaurant for opening, and lastly to allow employees to stay on premise from 10:00 pm to 11:30 pm, Monday through Saturday in order to clean up and close down for the night. The actual hours of business operation open to the public will not be outside of the regular hours of 7:00 am to 10:00 pm, Monday through Saturday, closed on Sundays.

BACKGROUND FACTS

Key Application Dates

Application	Submittal Date	Deemed Complete	120-Day*	365-Day
CU2018-0003	March 14, 2018	March 28, 2018	July 26, 2018	March 28, 2019
DR2017-0138	October 26, 2017	** January 30, 2018	May 31, 2018	May 31, 2019
LD2018-0004	January 10, 2018	** January 30, 2018	May 31, 2018	May 31, 2019
TP2017-0016	October 26, 2017	** January 30, 2018	May 31, 2018	May 31, 2019

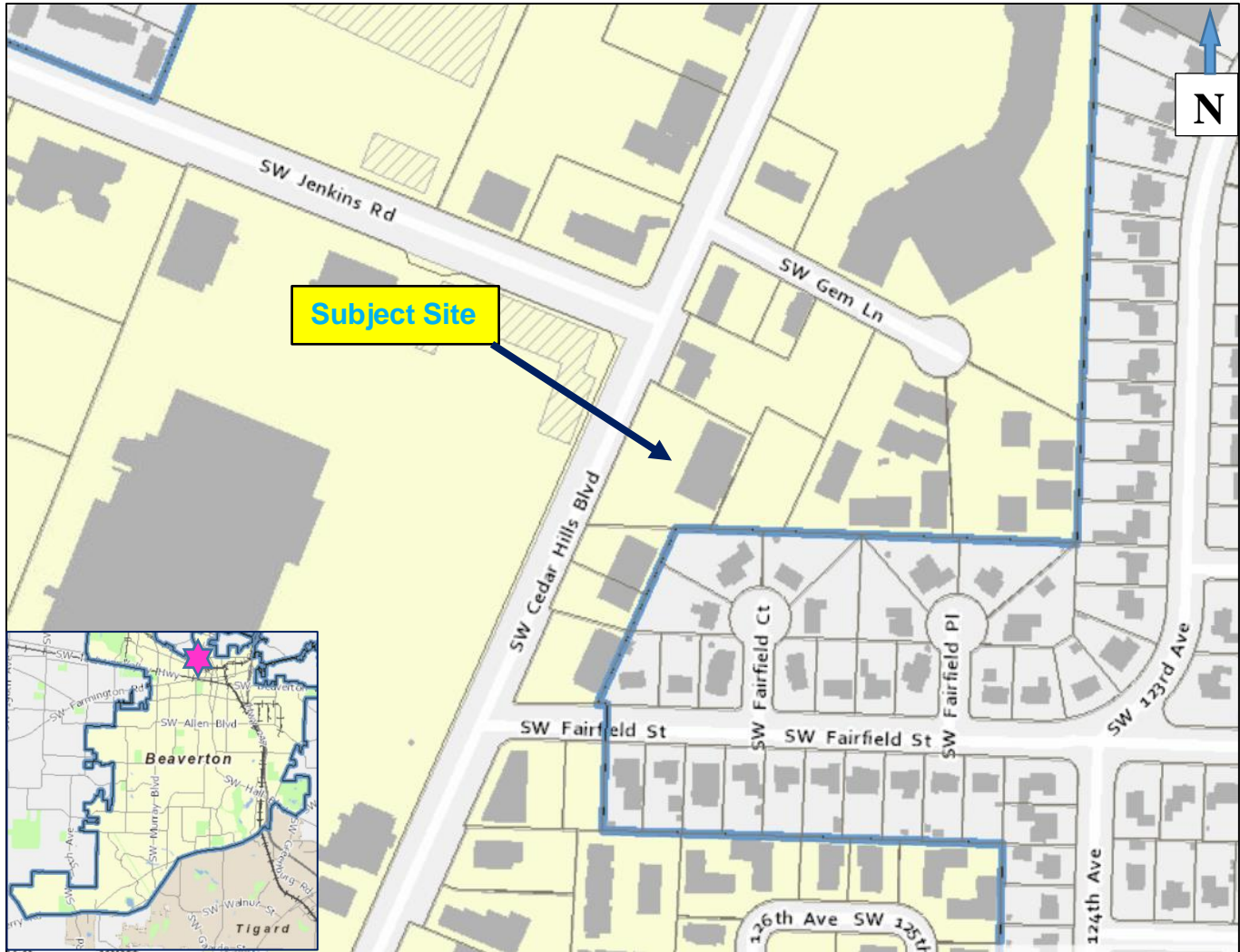
* Pursuant to Section 50.25.8 of the Development Code this is the latest date, without a continuance, by which a final written decision on the proposal can be made.

** Continuance Requested on February 12, 2018 until DR2018-0138 submitted to run concurrently.

Existing Conditions Table

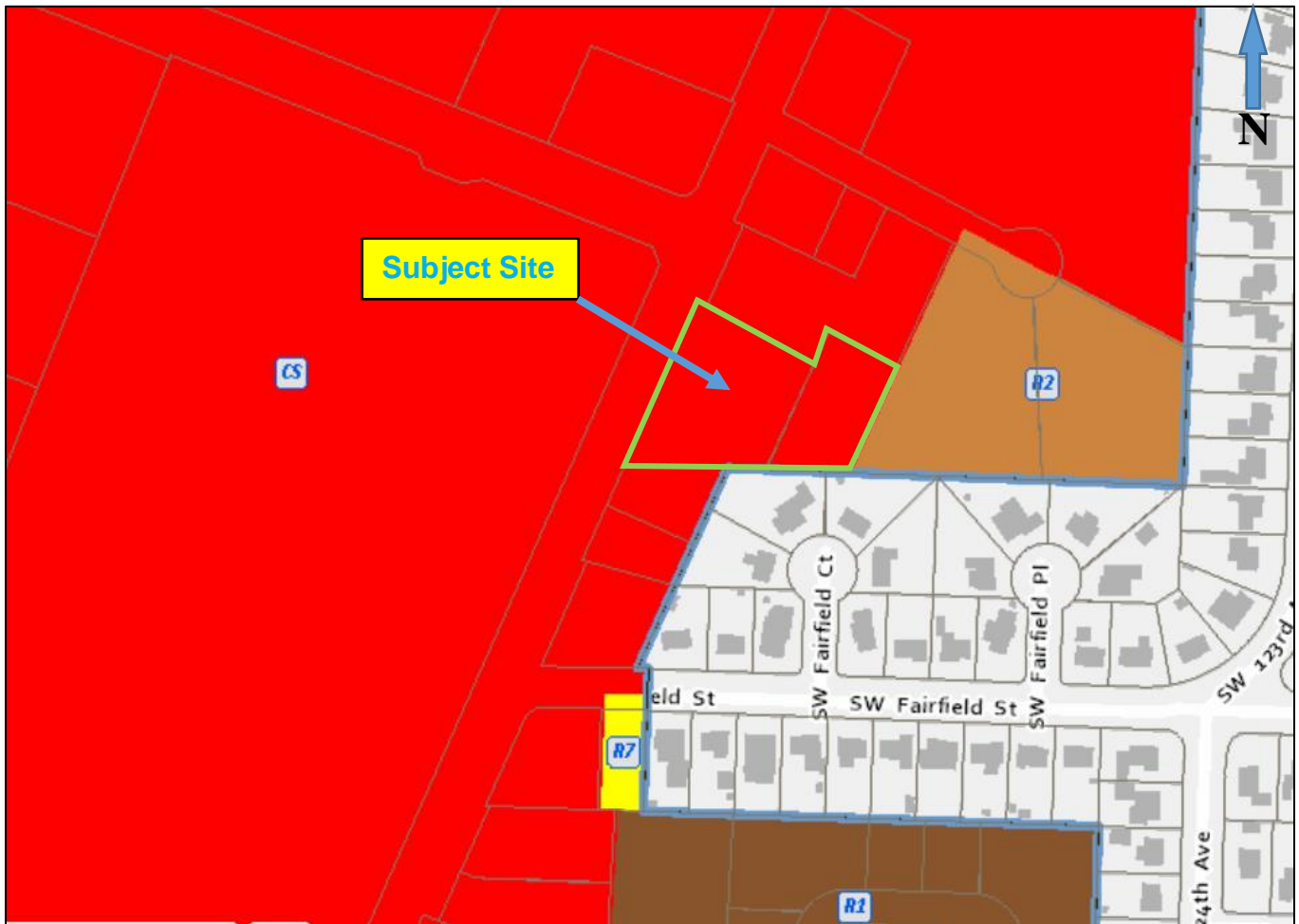
Zoning	Community Service (CS)	
Current Development	The site consists of an auto parts store with associated parking and landscaping.	
Site Size	Tax Lot 1700 is ±.902 Acres and Tax Lot 2400 is ±.478 Acres	
NAC	Central Beaverton	
Surrounding Uses	<u>Zoning:</u> North: Community Service (CS) South: Community Service (CS) / Residential, R-5 (Washington County) East: Urban Medium Density (R2) West: Community Service (CS)	<u>Uses:</u> Restaurant (Jack in the Box) South: Commercial / Residential (Single-family) East: Residential (Single Family) West: Commercial

VICINITY MAP



Chick-Fil-A (CU2018-0003 / DR2017-0138 / LD2017-0004 / TP2017-0016)

Zoning Map



Chick-Fil-A (CU2018-0003 / DR2017-0138 / LD2017-0004 / TP2017-0016)

Aerial Map



Chick-Fil-A (CU2018-0003 / DR2017-0138 / LD2017-0004 / TP2017-0016)

**FACILITIES REVIEW COMMITTEE
TECHNICAL REVIEW AND RECOMMENDATIONS
Chick-fil-A New Restaurant with Drive-Thru and Extended Hours
(CU2018-0003 / DR2017-0138 / LD2017-0004 / TP2017-0016)**

Section 40.03 Facilities Review Committee:

The Facilities Review Committee has conducted a technical review of the application, in accordance with the criteria contained in Section 40.03 of the Development Code. The Committee's findings and recommended conditions of approval are provided to the decision-making authority. As they will appear in the Staff Report, the Facilities Review Conditions may be re-numbered and placed in different order.

The decision-making authority will determine whether the application as presented meets the Facilities Review approval criteria for the subject application and may choose to adopt, not adopt, or modify the Committee's findings, below.

The Facilities Review Committee Criteria for Approval will be reviewed for all criteria that are applicable to the submitted applications as identified below:

All twelve (12) criteria are applicable to the New Conditional Use and Design Review Two application as submitted.

Facilities Review criteria do not apply to the Tree Plan Two and Replat One applications.

A. All critical facilities and services related to the development have, or can be improved to have, adequate capacity to serve the proposal at the time of its completion.

Chapter 90 of the Development Code defines "critical facilities" to be services that include public water, public sanitary sewer, storm water drainage and retention, transportation, and fire protection. The applicant states that all critical facilities and services have adequate capacity to serve the proposed restaurant.

Water:

Water Service will be provided to the site by the City of Beaverton. The proposed project will connect to existing water infrastructure via a 12-inch water line located within SW Cedar Hills Blvd., right-of-way. Staff concur with the applicant's information and find that water services can be improved, extended, and/or constructed to have adequate capacity to serve the development as proposed.

Sanitary Sewer:

Sewer Service will be provided the City of Beaverton. The proposed project will connect to existing sewer infrastructure via a 10-inch sewer line located within the SW Cedar Hills Blvd., right-of-way. Staff concurs with the applicant's information and find that sanitary sewer services can be improved, extended, and/or constructed to have adequate capacity to serve the development as proposed.

Storm Water drainage, treatment, and detention:

Storm water will be collected on site, treated in an underground water quality vault, detained in a proposed Stormtech facility and released to an existing City of Beaverton line in the SW Cedar Hills Blvd., right-of-way. Storm water calculations and demonstration of compliance with storm water management requirements are provided in Exhibit D of the applicant's materials.

All utility infrastructure information has been provided graphically on Sheets C4.0 and C5.0 of the applicant materials. Staff finds that storm water can be improved, extended, and/or constructed to have adequate capacity to serve the development as proposed.

Fire Protection

Fire protection will be provided to the site by Tualatin Valley Fire and Rescue (TVF&R). Fire Station #67 is located at 13810 SW Farmington Rd. and is approximately 0.97 miles away (as the crow flies), from the subject site. TVF&R staff have provided conditions of approval, included herein, to ensure the proposed development will have adequate fire protection services. Staff also cites the findings for Criterion H hereto regarding fire prevention.

Public Transportation:

A Traffic Impact Analysis (TIA), dated December 11, 2017, has been prepared by Kittleson & Associates, Inc. The applicant proposes to construct one fast food restaurant, Chick-Fil-A, with a drive-through facility. The proposed restaurant will have indoor and outdoor seating. The new building would replace an existing auto parts store (Baxter Auto Parts). The proposed restaurant is estimated to increase trip generation by 1,012 weekday trips, including 64 weekday PM peak hour trips, and 133 Saturday midday peak hour trips, as compared to the existing retail use of the site.

In summary of the above, the Committee finds that the proposed development will provide the required essential facilities, as conditioned.

Therefore, the Committee finds that by meeting the conditions of approval, the proposal meets the criterion.

B. Essential facilities and services are available, or can be made available, with adequate capacity to serve the development prior to occupancy. In lieu of providing essential facilities and services, a specific plan may be approved if it adequately demonstrates that essential facilities, services, or both will be provided to serve the proposed development within five years of occupancy.

Chapter 90 of the Development Code defines “essential facilities” to be services that include schools, transit improvements, police protection, and pedestrian and bicycle facilities in the public right-of-way.

Schools

The proposed development is within the Beaverton School District (BSD) boundaries. As this development is non-residential, it will not result in an increased demand on schools.

Transit Improvements

TriMet bus line #20 serves the site, operating along SW Cedar Hills Blvd., connecting the Beaverton Transit Center and Gresham Central Transit Center respectively. Line #20 currently has a stop located between the site and SW Jenkins Road, with a southbound stop located across SW Cedar Hills Blvd., to the west. The applicant states frontage improvements will be provided along on the frontage along SW Cedar Hills Blvd., including new sidewalks. Additionally proposed are direct pedestrian accessways between the adjacent public streets and the proposed restaurant, as well as from the site to nearby transit stops.

Police:

The site will continue to be served by the City of Beaverton Police Department.

On-site Pedestrian and Bicycle Facilities

The project site has approximately 255 feet of street frontage along SW Cedar Hills Blvd. The applicant proposes three (3) pedestrian connections into the site from SW Cedar Hills Blvd., to the new building via the proposed walkway surrounding the building. The applicant also proposes pedestrian connections through the parking area via concrete sidewalks with curbs, thus physically separated from parking and traffic areas. Where pedestrian pathways cross the asphalt drive aisle at the site entry, the crosswalks will be constructed of concrete, and scored, to differentiate crosswalks from primary paving materials. Where the pedestrian pathways cross the concrete drive-through aisle, the pathway will be constructed of a charcoal concrete with scoring pattern to clearly distinguish it from the drive-through aisle. All walkways are proposed to be five (5) feet and unobstructed in order to comply with all ADA standards. The applicant has proposed four (4) bicycle parking spaces, two (2) short-term, and two (2) long-term.

In summary of the above, staff find that the proposed development will provide the required essential facilities, as conditioned.

Therefore, the Committee finds that by meeting the conditions of approval, the proposal meets the criterion.

C. *The proposal is consistent with all applicable provisions of Chapter 20 (Land Uses) unless the applicable provisions are modified by means of one or more applications which shall be already approved or which shall be considered concurrently with the subject proposal.*

The applicant states that all applicable provisions of Chapter 20 are met and addressed. The applicant has submitted additional applications to be considered concurrently with this application; a Conditional Use for Extended Hours of Operation, a Land Division – Replat One, and a Tree Plan Two, however the Facilities Review Committee review criteria are only applicable to the New Conditional Use and Design Review Two applications.

Staff cites the Code Conformance Analysis chart at the end of this attachment, which evaluates the project as it relates the applicable Code requirements of Chapter 20 for the Community Service (CS) zone as applicable to the above mentioned criteria. As demonstrated on the chart, the development proposal meets all applicable standards.

Therefore, the Committee finds that by meeting the conditions of approval, the proposal meets the criterion.

D. *The proposed development is consistent with all applicable provisions of Chapter 60 (Special Regulations) and all improvements, dedications, or both, as required by the applicable provisions of Chapter 60 (Special Regulations), are provided or can be provided in rough proportion to the identified impact(s) of the proposal.*

The Committee cites the Code Conformance Analysis chart at the end of this attachment, which evaluates the proposal as it relates the applicable Code requirements of Chapter 60, in response to the above mentioned criteria.

Drive-Up Window Facilities (Section 60.07)

The proposed restaurant includes two drive-through lanes, leading to one (1) drive-through window. The applicant has shown on the submitted site plans (Sheet SP-1) adequate parking and seating to accommodate the anticipated customer volumes, in addition to providing the necessary access and egress to the drive-through lanes from an on-site drive aisle and internal circulation system. The proposal shows sufficient vehicle stacking capacity and an adequate escape/by-pass lane. Immediately past the drive-up window are parking stalls that will be available as waiting spaces for delayed orders.

Off-Street Parking Requirements (Section 60.30)

Within the Community Service (CS) zoning district, the following standards for the required amount of off-street parking spaces apply:

Motor Vehicle:

Fast food restaurants require a minimum of 10 parking spaces per 1,000 square feet of floor area and a maximum of 12.4 spaces (Parking Zone A) per 1,000 square feet of floor area. The proposed restaurant is 4,815 square feet therefore the minimum number of parking spaces required is 48.1 and the maximum permitted is 60. The applicant has proposed 49 standard parking spaces, which includes two (2) ADA parking spaces. Most stalls are shown to be 8.5-feet wide by 18.5-feet long. The five (5) parking spaces towards the southeastern portion of the parking lot, as well as at the eastern property line, are proposed to be 17.5 feet in depth. Staff recommends a condition of approval that these nine (9) parking spaces be 18.5 feet deep or have bumper overhang of at least one (1) foot in order to meet the depth requirement of Section 60.30.15 of the Beaverton Development Code.

With the recommended condition of approval, this proposal will be consistent with applicable provisions of Chapter 60, thereby meeting this criterion for approval

Bicycle:

The proposed restaurant is required to have two (2) long-term and two (2) short-term bicycle parking spaces. The applicant states that two (2) long-term and two (2) short-term bicycle parking spaces are provided. The submitted plans show that short term bicycle parking will be provided near the primary entrance and the long term bicycle parking will be located within the trash enclosure structure, though separated by a wall from the trash and recycling area and accessible through a separate entrance. The site meets the minimum requirement for bicycle parking.

Per Site Plan Sheet C2.0, and the narrative, staff concur with the applicant, that this proposal is consistent with applicable provisions of Chapter 60, thereby meeting this criterion for approval.

General Provisions Section (60.55.10)

All transportation facilities shall be designed and improved in accordance with the standards of this code and the Engineering Design Manual and Standard Drawings.

Per the Traffic Impact Analysis (TIA) recommendations (Exhibit E of applicant materials), the applicant proposes to close and vacate the southernmost driveway access along the site's frontage. Per the TIA findings and recommendations, the applicant proposes widening along SW Cedar Hills Blvd. site frontage in order to provide a raised median to enforce right-turns only at the site driveway with the redevelopment of the site. These access changes will provide an opportunity to lengthen the striped northbound left-turn storage on SW Cedar Hills Boulevard approaching SW Jenkins Road traffic signal. The

applicant will be required to dedicate 20-feet of right-of-way (ROW) and construct half-street improvements as a result of the proposed project.

Traffic Impact Analysis (Section 60.55.20.2.A)

A Traffic Impact Analysis (TIA) is required when the proposed land use change or development will generate 300 vehicles or more per day (vpd) in average weekday trips as determined by the City Engineer.

Based on the submitted TIA and resultant calculations of Table 5 *Trip Generation Estimate* (page 18 of TIA) the projected trips resulting from the proposed fast-food restaurant with drive-through will generate 2,478 Total Daily Trips. However when the change in existing Pass-by Trips is entered into the calculations, the resultant Net-new Trips equals 1,012 for the proposed project. This includes 64 net new weekday PM peak hour trips and 133 additional Saturday midday peak hour trips.

Please see Criterion A.

Street, Bicycle, and Pedestrian Connection Requirements (Section 60.55.25)

The proposed site abuts SW Cedar Hills Boulevard, and is currently accessed via an existing right-in/right-out driveway. An existing reciprocal access easement currently connects to SW Jenkins Road and SW Gem Street to the north, allowing access to the traffic signal at Jenkins and Cedar Hills. Pedestrians and bicycles will access the site from the walkway that directly connects to the public sidewalk along SW Cedar Hills Boulevard and the restaurant building. Site delivery/vehicular maneuvering has been provided graphically within the applicant materials, Figure 1 (Truck Turning–Ingress) and Figure 2 (Truck Turning–Egress); all other access can be seen on Site Plan Sheet C2.0. The applicant has also provided four (4) bicycle parking spaces, two (2) short-term, and two (2) long-term.

Safe and efficient pedestrian walkways are provided on site and connect to the existing public circulation system. Adequate bicycle facilities are also available and accessible on site. The applicant is proposing street frontage improvements along all frontages, see Criterion A.

Access Standards (Section 60.55.35)

The applicant shall show how public and private access to, from, and within the proposed development will be preserved.

The submitted plans show safe access to and from the proposed development.

Trees and Vegetation Requirements (Section 60.60)

Table 1 of the Arborist report (Exhibit G of applicant materials) indicates 36 trees were surveyed as part of this application. There are 17 trees on-site, five (5) of which are community trees which will be removed as a result of the proposed project. Mitigation requirements will be addressed within the findings for the Tree Plan Two application.

The committee recommends standard conditions of approval for tree protection fencing during construction for trees identified for preservation within the Arborist report.

60.65 Utility Undergrounding

The proposal will comply with the standards of Section 60.65, *Utility Undergrounding* Section. Staff recommends a standard condition of approval requiring that utility lines, as applicable, are placed underground in accordance with Section 60.65.

Therefore, the Committee finds that by meeting the conditions of approval, the proposal meets the criterion.

- E. *Adequate means are provided or can be provided to ensure continued periodic maintenance and necessary normal replacement of the following private common facilities and areas, as applicable: drainage ditches, roads and other improved rights-of-way, structures, recreation facilities, landscaping, fill and excavation areas, screening and fencing, ground cover, garbage and recycling storage areas and other facilities not subject to maintenance by the City or other public agency.***

The applicant states that on-site common facilities will be strategically located to be easily accessible, thus allowing for maintenance and replacement as necessary. Additionally, private common facilities are shown on the Grading Plan (Sheet C3.0), Storm Plan (Sheet C4.0), and the Planting Plan (Sheet L1.0). As represented, the proposal does not present any barriers, constraints, or design elements that would prevent or preclude required maintenance of the private infrastructure and facilities on site.

Therefore, the Committee finds that the proposal meets the criterion.

- F. *There are safe and efficient vehicular and pedestrian circulation patterns within the boundaries of the development.***

The applicant states that the development will provide a logical and efficient circulation path for vehicles, with access from SW Cedar Hills Boulevard. Direct pedestrian connections are provided from the sidewalk along SW Cedar Hills Boulevard to the outdoor dining and plaza areas to the front of the restaurant. The pedestrian connection will also connect directly to the restaurant's main entrance and on-site pedestrian circulation system. The pedestrian paths are designed to avoid unnecessary vehicular drive aisle crossings to ensure pedestrian safety.

As noted above in response to criteria A, B and D, the vehicular and pedestrian circulation patterns within the boundaries of the site are safe and efficient for the operation of the proposed fast food restaurant with drive-through.

Therefore, the Committee finds that by meeting the conditions of approval, the proposal meets the criterion.

G. The development's on-site vehicular and pedestrian circulation systems connect to the surrounding circulation systems in a safe, efficient, and direct manner.

The site will be accessible only from SW Cedar Hills Boulevard via reciprocal access easements from SW Jenkins and SW Gem Street, and via right-in and right-out only, using one of two existing driveways onto SW Cedar Hills Boulevard. The southernmost existing driveway will be closed. As noted in response to criteria A, B, and D, the on-site vehicular and pedestrian circulation system connect to the surrounding circulation systems in a safe, efficient, and direct manner for the operation of the proposed restaurant with drive-through facilities.

Therefore, the Committee finds that by meeting the conditions of approval, the proposal meets the criterion.

H. Structures and public facilities serving the development site are designed in accordance with adopted City codes and standards and provide adequate fire protection, including, but not limited to, fire flow.

The applicant indicates in the narrative that the proposed building and facilities have been designed in accordance with applicable fire protection codes. Tualatin Valley Fire and Rescue District (TVF&R) has provided conditions of approval regarding fire flow, hydrant placement, aerial fire apparatus, roads and access. Site Development plan review will address compliance with City codes and standards and provide adequate fire protection.

The Committee concludes that, subject to meeting the conditions of approval the site can be designed in accordance with City codes and standards and provide adequate fire protection.

Therefore, the Committee finds that by meeting the conditions of approval, the proposal meets the criterion.

I. Structures and public facilities serving the development site are designed in accordance with adopted City codes and standards and provide adequate protection from hazardous conditions due to inadequate, substandard or ill-designed development.

The applicant has indicated that all public facilities serving the site have been designed in accordance with all applicable standards to ensure public safety. Additionally, proposed

pedestrian pathways are required to be adequately lit and shall be designed to meet all applicable Design Standards as a Condition of Approval.

The Committee finds that review of the construction documents at the building and site development permit stages will ensure protection from hazardous conditions due to inadequate, substandard or ill-designed development.

Therefore, the Committee finds that by meeting the conditions of approval, the proposal meets the criterion.

J. Grading and contouring of the development site is designed to accommodate the proposed use and to mitigate adverse effect(s) on neighboring properties, public right-of-way, surface drainage, water storage facilities, and the public storm drainage system.

The applicant states proposed grading has been designed to minimize the effects to off-site properties and public rights-of-way. A Preliminary Drainage Report has been included with the applicant materials (Exhibit D), in addition to the Grading and Erosion Control Plan shown on Plan Set Sheet C3.0 of the materials. The applicant states no retaining walls will be necessary at the property lines and that the site has been, and will further be, improved to shed and collect storm water into an on-site managed storm water system.

The applicant must show compliance with Site Development erosion control measures at the time of Site Development Permit issuance.

Therefore, the Committee finds that by meeting the conditions of approval, the proposal meets the criterion.

K. Access and facilities for physically handicapped people are incorporated into the development site and building design, with particular attention to providing continuous, uninterrupted access routes.

The proposal includes Americans with Disabilities Act (ADA) accessible routes to and from the restaurant from SW Cedar Hills Blvd. Proposed street improvements include relocating and widening of the existing sidewalk to 10 feet along SW Cedar Hills Blvd. Two (2) ADA accessible parking spaces will be located approximately 25 feet away from the building entrance, with a direct pedestrian accessway adjacent to the outdoor plaza area and building. All access has been designed to be wheelchair accessible.

The Committee finds that as proposed, the sidewalks and walkways internal to the development appear to meet applicable accessibility requirements and through the site development and building permitting reviews will be thoroughly evaluated.

Therefore, the Committee finds that by meeting the conditions of approval, the site will be in conformance with ADA requirements, and would thereby be in conformance with Development Code Section 60.55.65 and the criterion will be met.

Therefore, the Committee finds that by meeting the conditions of approval, the proposal meets the criterion for approval.

L. The proposal contains all applicable application submittal requirements as specified in Section 50.25.1 of the Development Code.

The applicant submitted the initial Design Review Two, Land Division – Replat One, and Tree Plan Two applications on October 26, 2017 and was deemed complete on January 30, 2018. A continuance request was submitted on February 12, 2018 to allow the associated Conditional Use application to be filed and processed concurrently with the development. The New Conditional Use Permit Application for Extended Hours of Operation was submitted March 14, 2018, and deemed complete on March 29, 2018. At the request of the applicant all applications are being processed concurrently. In the review of the materials during the application review, the Committee finds that all applicable application submittal requirements, identified in Section 50.25.1 are contained within this proposal.

Therefore, the Committee finds the proposal meets the criterion for approval.

Code Conformance Analysis
Chapter 20 Use and Site Development Requirements
Community Service (CS) District

CODE STANDARD	CODE REQUIREMENT	PROJECT PROPOSAL	MEETS CODE?
Development Code Section 20.10.20 (Community Service)			
Use: Eating and Drinking	Permitted	Applicant is proposing a new 4,815 square foot restaurant with a drive-through lane. The existing automotive parts store will be demolished.	See DR Findings
Use: Extended Hours of Operation	Conditional Use	The applicant proposes hours of operation for a restaurant (Chick-fil-A) to be between the hours of 10:00 pm and 7:00 am, specifically from 10:00 pm to 11:30 pm, and 5:00 am to 7:00 am, Monday through Saturday.	See CU Findings
Development Code Section 20.10.15 (Community Service)			
Minimum Lot Area	7,000	The project site is approximately 60,118 square feet. No new lots proposed.	Yes
Minimum Lot Dimensions	Width: 70 feet Depth: 100 feet	Due to irregular shape of the subject site, the lot width is approximately 180 feet and lot depth exceeds 275 feet.	Yes
Yard Setbacks Minimums:	Front: 20 Interior Side: 10 Rear: 20	The subject site is located within commercial zone and is exempt from minimum front yard setback standards because it will exceed 60,000 square feet once consolidated per the Replat One application. The applicant states the interior side setback is at least 11 feet. Additionally, the site is not a corner lot; hence, the standard does not apply. The rear setback per Site Plan, Sheet C2.0, is over 200 feet from the rear property line.	Yes
Maximum Building Height	60 feet	The proposed overall building height will be 21 feet, 8 inches.	Yes

Chapter 60 Special Requirements

CODE STANDARD	CODE REQUIREMENT	PROJECT PROPOSAL	MEETS CODE?
Development Code Chapter 60.05			
Design Review Principles, Standards, and Guidelines	Requirements for new development and redevelopment.	New 4,815 square foot restaurant with a drive-through lane.	See DR Findings
Development Code Section 60.07 Drive-Up Window Facilities			
Drive-up window facility standards	Requirements for developments including drive-up window service.	The proposal includes one drive-up window. The applicant's plans show adequate stacking capacity and an escape/by-pass lane as well as parking spaces available past the drive-up window.	Yes
Development Code Section 60.10 Floodplain Regulations			
Floodplain Regulations	Requirements for properties located in floodplain, floodway, or floodway fringe.	The applicant has submitted a Service Provider Letter from CWS for the proposed project, which states there will be no impacts to existing resources. The proposed project is not within a floodplain, floodway or floodway fringe.	Yes
Development Code Section 60.15 – Land Division Standards			
Land Division Standards	Standards pertaining to Land Divisions	A Land Division-Replat-One application has been applied for.	See LD Findings
Development Code Section 60.25 – Off-Street Loading			
Loading Facilities	No loading berth(s) are required	The new proposed restaurant building is less than 7,000 square feet; therefore, no loading berth is required. The applicant states loading will occur outside of peak business hours and within the parking lot north of the proposed building.	N/A
Development Code Section 60.30 – Off-Street Parking			
Off-street motor vehicle parking Parking Zone A	Minimum: 10 p/1,000 sq.ft. = 48 Maximum: 12.4 p/1,000 sq.ft. = 60	The applicant proposes 50 parking spaces, including two (2) ADA accessible spaces.	Yes
Required Bicycle Parking	2 Short-term spaces 2 Long-term spaces	The applicant has proposed: 2 Short-term spaces 2 Long-term spaces	

Development Code Section 60.55 - Transportation			
Transportation Facilities	Regulations pertaining to the construction or reconstruction of transportation facilities.	Refer to Facilities Review Committee findings herein.	Yes-with COA
Development Code Section 60.60			
Trees & Vegetation	Regulations pertaining to the removal and preservation of trees.	Up to five (5) Community trees are proposed to be removed from the site.	See TP Findings
Development Code Section 60.65			
Utility Undergrounding	All existing overhead utilities and any new utility service lines within the project and along any existing frontage, except high voltage lines (>57kV) must be placed underground.	All utilities are required to be placed underground in accordance with standards identified in Section 60.65. Applicant's plan shows overhead utilities to remain.	Yes- with COA

**ANALYSIS AND FINDINGS FOR
CONDITIONAL USE APPROVAL
Chick-fil-A Cedar Hills
CU2017-0013**

Section 40.15.15.3.C. Approval Criteria:

In order to approve a New Conditional Use application, the decision making authority shall make findings of fact based on evidence provided by the applicant demonstrating that all the following criteria are satisfied:

1. *The proposal satisfies the threshold requirements for a Conditional Use application.*

Development Code, Section 40.15.15.3.A, Threshold #1 states:

The proposed use is conditionally permitted in the underlying zoning district and a prior conditional use approval for the proposed use is not already in effect.

Uses in the Community Service (CS) zoning district which are located within 500 feet of a residential use in a residential zone, operating between 10:00 p.m. and 7:00 a.m. require a new conditional use permit. The proposed subject restaurant of 4,815 square feet, will be approximately 10 to 15 feet away from adjoining residential property lines of the R-5 zoning district of unincorporated Washington County to the south side. Therefore, a new Conditional Use is required.

The applicant has indicated that even though the proposed restaurant will be open from 7:00 am to 10:00 pm, business operations will continue outside of those hours. Specifically, delivery of goods and restaurant preparations will occur before 7:00 am and after 10:00 pm. From 5:00 am to 7:00 am there will be truck delivery of restaurant goods, with employee assistance for unloading. Additionally, after the restaurant closes for business at 10:00 pm, employees will stay on-site in order to clean and close down. These hours are proposed to be from 10:00 pm to 11:30 pm.

Therefore, staff finds that by meeting the conditions of approval, the criterion is met.

2. *All City application fees related to the application under consideration by the decision making authority have been submitted.*

The applicant has paid the required fees for a Conditional Use application on March 23, 2018.

Therefore, staff finds that the criterion is met.

3. The proposal will comply with the applicable policies of the Comprehensive Plan.

Staff cites the following comprehensive plan policy and associated findings as applicable to this criterion:

Goal 8.4.1 Create and protect a healthy acoustical environment within the City.

Policy 8.4.1.a reads as follows:

Policy 8.4.1.a Noise impacts shall be considered during development review processes.

The proposal is to extend the hours of operation for a proposed restaurant (with drive-through) which will be located on the subject property, zoned Community Service (CS) and across the street (SW Laurel Street) from existing residential development. The restaurant with drive-through facilities will be open to the public from 7:00 am to 10:00 pm. However, there are operational activities proposed outside of these business hours. Because the subject property is adjacent to residential uses, the applicant has taken the following measures to ensure the restaurant remains in compliance with this section of the Comprehensive Plan:

- One (1) semi-truck delivery from 5:00 am to 7:00 am, daily, Monday through Saturday;
- Semi-truck backing beepers will be turned off while maneuvering on-site;
- Delivery trucks will turn off engines during unloading to minimize noise impacts;
- Restaurant will not be open to the public before 7:00 am, or past 10:00 pm, Monday through Saturday; and closed on Sundays.
- Employees will only park on-site;
- Activities will take place inside the restaurant during the hours of 5:00-7:00, except for 1 to 2 employees assisting with unloading of delivery vehicle.
- Parking lot cleaning will be done by hand, not with mechanical sweepers or blowers. If mechanical sweepers or blowers are necessary, they will not be used during extended hours;
- Trash pick-up will occur between 9:00 am to approximately 11:00 am, by Waste Management; and,
- From 10:00 pm to 11:30 pm, up to six (6) employees will remain on-site in order to clean up and prepare the restaurant for next-day business activities. Most, if not all these activities will take place indoors.

Staff concludes that with the efforts of the applicant to mitigate potential noise concerns, in addition to the conditions of approval in Attachment E, the applicant is in compliance with the applicable policy of the Comprehensive Plan as stated above.

Therefore, staff finds the criterion is met.

4. *The size, dimensions, configuration, and topography of the site and natural and man-made features on the site can reasonably accommodate the proposal.*

The conditional approval is requested for extended hours of operation for the proposed drive-through restaurant. Under the development review for the proposed restaurant (DR2017-0138), the applicant has met all the required development standards for such use. As shown on Site Plan Sheet C2.0, the site has provided the adequate space to accommodate the proposed restaurant with drive-through facilities, ample parking, landscaping and other necessary project features. The topography of the site is relatively flat and does not contain natural or man-made features that would preclude development.

Staff concludes that natural and man-made features on the site are adequate to accommodate the proposal which is limited to extended hours of operation only.

Therefore, staff finds by meeting the conditions of approval, that the criterion is met.

5. *The location, size, and functional characteristics of the proposal are such that it can be made reasonably compatible with and have a minimal impact on livability and appropriate development of properties in the surrounding area of the subject site.*

The request is for extended hours of operation for a restaurant with a drive-through. The subject property is within the Community Services zoning district, and fronts SW Cedar Hills Boulevard, a busy arterial corridor. Properties to the north, south (portion thereof) are zoned Community Services and currently developed with commercial businesses. Immediately adjacent to the property, to the south (portion thereof) and east, are residential properties zoned Washington County R-5, located outside City limits. The adjacent commercial uses to the north and portion of the south and across SW Cedar Hills Blvd., to the west are compatible with the proposed use.

There are however, single-family residential uses to the south (a portion thereof) of the project site (unincorporated Washington County Residential R-5 zoning). The applicant will be required to meet the B-3 Buffer standards as outlined in Section 60.05.25.13 of the Beaverton Development Code, which requires a 20-foot landscaped buffer between the proposed use and the adjacent residential uses. Staff has received public testimony from the adjacent property owner residing at 12579 SW Fairfield Ct., who is deeply concerned about noise and potential safety from the proposed restaurant with drive-through facilities. Currently the area between the subject property for the restaurant and the residential uses are buffered with mature landscape trees but no visible fencing.

The drive-through order menu and speaker(s) will be facing towards the southeast, and be approximately 25-30 feet from the adjacent residential uses; staff continues to have concerns regarding potential noise impacts. Therefore, staff has proposed a condition of approval for the applicant to construct a solid 6-8 foot tall CMU block wall, brick, or solid screening of noise attenuating materials, in order to mitigate the potential noise impacts resulting from the drive-through activities of the restaurant. Staff would like to note that the applicant has reached out to the neighbor and has entertained ideas for noise attenuation. Staff acknowledges the efforts

taken by the applicant to have minimal impact on livability to nearby residences. The drive-thru use is permitted outright in the CS zoning district and is not proposed to operate outside of the permitted 7am to 10pm hours of operation. The request for extended hours of operation are in order to accommodate one (1) semi-truck delivery from 5:00 am to 7:00 am; allow employees on premise in order to assist with unloading of delivery restaurant goods; prepare the restaurant for opening, and lastly to allow employees to stay on premise from 10:00 pm to 11:30 pm, Monday through Saturday in order to clean up and close down for the night. The actual hours of business operation open to the public will not be outside of the regular hours of 7:00 am to 10:00 pm, Monday through Saturday, closed on Sundays.

Therefore, staff finds by meeting the conditions of approval, that the criterion is met.

6. *Applications and documents related to the request, which will require further City approval, shall be submitted to the City in the proper sequence.*

The applicant submitted the application on March 14, 2018 and was deemed complete on March 28, 2018. Design Review Two, Replat One, Tree Plan Two applications are being processed concurrently with the subject request for a New Conditional Use. The Conditional Use application is dependent upon approval of the Design Review Two application. Staff recommends a condition of approval that states the approval of the Conditional Use application is subject to approval of the associated Design Review Two application.

Therefore, staff finds that the criterion is met.

RECOMMENDATION

Based on the facts and findings presented, staff recommends **APPROVAL** of **CU2018-0003 (Chick-fil-A Extended Hours of Operation)** subject to the Conditions of Approval in Attachment F.

**ANALYSIS AND FINDINGS FOR
DESIGN REVIEW TWO APPROVAL
Chick-fil-A Cedar Hills
DR2017-0138**

Section 40.20.05. Design Review Applications; Purpose

The purpose of Design Review is to promote Beaverton's commitment to the community's appearance, quality pedestrian environment, and aesthetic quality. It is intended that monotonous, drab, unsightly, dreary and inharmonious development will be discouraged. Design Review is also intended to conserve the City's natural amenities and visual character by insuring that proposals are properly related to their sites and to their surroundings by encouraging compatible and complementary development.

Section 40.20.15.2.C Approval Criteria

C. Approval Criteria. In order to approve a Design Review Two application, the decision making authority shall make findings of fact based on evidence provided by the applicant demonstrating that all the following criteria are satisfied:

- 1. *The proposal satisfies the threshold requirements for a Design Review Two application.***

Threshold 2:

"New construction of up to and including 30,000 gross square feet of non-residential floor area where the development abuts or is located within any Residential District."

The applicant has applied for approval of a Design Review Two application the construction of a new approximately 4,815 square foot restaurant with a drive-through window, modifications of landscaping on site for the removal of up to five (5) community trees in order to accommodate the proposed project, and a lot consolidation of two lots into one. The proposal includes the demolition of the existing building, an auto parts store. The site is located within the CS zoning district, which is a commercial zone abutting SW Cedar Hills Boulevard to the west, north and a portion of the south and residential zones of R5 Washington County immediately to the south (a portion thereof) and east (R2) of the subject site. The proposal meets Threshold 2 of the Design Review Type 2 application, Section 40.20.15.2.A.

Therefore, staff find that the proposal meets the criterion for approval.

- 2. *All City application fees related to the application under consideration by the decision making authority have been submitted.***

The applicant paid the required fee associated with a Design Review Two application.

Therefore, staff find that the proposal meets the criterion for approval.

3. *The proposal contains all applicable application submittal requirements as specified in Section 50.25.1 of the Development Code.*

The applicant has submitted materials required by Section 50.25.1 of the Development Code.

Therefore, staff find that the proposal meets the criterion for approval.

4. *The proposal is consistent with all applicable provisions of Sections 60.05.15 through 60.05.30 (Design Standards).*

Staff cite the findings in the Design Review Standards Findings and Analysis Chart that begins on page DR-4 of this Attachment, which evaluates the project as it relates the applicable Design Review Standards. The chart provides a summary response to design review standards determined to be applicable to this proposed project. The applicant's plans and materials show compliance with these standards.

Therefore, staff find that the proposal meets the criterion for approval.

5. *For additions to or modifications of existing development, the proposal is consistent with all applicable provisions of Sections 60.05.15 through 60.05.30 (Design Standards) or can demonstrate that the additions or modifications are moving towards compliance of specific Design Standards if any of the following conditions exist:*

- a. A physical obstacle such as topography or natural feature exists and prevents the full implementation of the applicable guideline; or***
- b. The location of existing structural improvements prevent the full implementation of the applicable standard; or***
- c. The location of the existing structure to be modified is more than 300 feet from a public street.***

The proposed development is for a new restaurant building, not an addition or modification.

Therefore, staff find that the criterion for approval does not apply.

6. *Applications and documents related to the request, which will require further City approval, shall be submitted to the City in the proper sequence.*

The applicant has submitted this Design Review Two application with associated New Conditional Use Permit, Replat One, and Tree Plan Two applications as part of this project. Concurrent review of the applications satisfies this criterion. No other applications are required for the applicant at this stage of city review. The Design Review Two is dependent upon the approval of the Tree Plan Two application. Staff recommends a condition of approval that states the approval of the Design Review Two application is subject to approval of the associated Tree Plan Two application.

Therefore, staff finds that the proposal meets the criterion for approval.

DESIGN REVIEW STANDARDS ANALYSIS AND FINDINGS CHART

DESIGN STANDARD		PROJECT PROPOSAL	MEETS STANDARD?
60.05.15.1 Building Articulation and Variety			
60.05.15.1.B	Buildings visible from and within 200 feet of an adjacent public street shall have 30% percent of the street-facing and primary entrance elevation(s) devoted to permanent architectural features...	The applicant states the west elevation proposed building will face SW Cedar Hills Blvd. The principal building materials will be brick, and feature glazed windows, doors and contrasting stucco on all elevations. Glazing is proposed to exceed 35%. The building is additionally articulated by offset walls and material changes	YES
60.05.15.1.C	The maximum spacing between permanent architectural features shall be no more than: Forty (40) feet in Residential zones, and all uses in Commercial and Multiple Use zones.	Per Sheets A2.1 and A2.2, maximum spacing between permanent architectural features (two window bays) is approximately 8 feet.	YES
60.05.15.2 Roof Forms as Unifying Elements			
60.05.15.2.A	All sloped roofs exposed to view from adjacent public or private streets and properties shall have a minimum 4/12 pitch.	The proposed building is to have a flat roof, not sloped roof.	N/A
60.05.15.2.B	Sloped roofs...shall have eaves that project from the building wall at least twelve (12) inches...	The proposed roof is flat, not sloped, and will have a parapet to screen rooftop equipment. The parapet wall is proposed to be 5-6 feet above the roof line, sufficient to screen rooftop equipment from adjacent properties and streets.	N/A
DESIGN STANDARD		PROJECT PROPOSAL	MEETS STANDARD?
60.05.15.2.C	All flat roofs with a slope of less than 4/12 pitch shall be architecturally treated or	The applicant states that the flat roof will have a parapet wall, projecting approximately five (5)	

	articulated with a parapet wall that must project vertically above the roof line at least twelve (12) inches.	feet above the roof, which is sufficient to screen rooftop equipment. Staff proposes a condition of approval that all future rooftop units must be screened in accordance with Section 60.05.15.2.C.	YES w/ COA
60.05.15.2.D	When an addition to an existing structure or a new structure is proposed in an existing development, the roof forms for the new structures shall have similar slope and be constructed of the same materials as existing roofs.	The proposal is a new building, not an addition.	N/A
60.05.15.3 Primary Building Entrances			
60.05.15.3	Primary entrances, which are the main point(s) of entry where the majority of building users will enter and leave, shall be covered, recessed, or treated with a permanent architectural feature in such a way that weather protection is provided. The covered area providing weather protection shall be at least 6 feet wide and 4 feet deep.	The applicant states that the main entrance to the proposed restaurant will have a canopy and will be at a minimum of four (4) feet deep and seven (7) feet wide.	YES
60.05.15.4 Exterior Building Materials			
60.05.15.4.B	For ...all uses in Commercial ...zones..., a maximum of 30% of each elevation ...may be plain, smooth, unfinished concrete, concrete block, plywood, [or] sheet pressboard. The remaining elevation area ...shall be architecturally treated.	The west elevation faces SW Cedar Hills Blvd. and has the primary building entrance. The proposed building will be mostly brick and stucco. Accent materials include painted and anodized aluminum. The applicant's plans do not show the use of any plain, smooth, unfinished concrete, concrete block, plywood or sheet board for exterior materials.	YES

60.05.15.4.C	For ...all uses in Commercial...zones..., plain, smooth, exposed concrete and concrete block used as foundation material shall not be more than 3 feet above finished grade...unless pigmented, textured, or both.	Exposed concrete and concrete block are not proposed.	YES
60.05.15.5.A-C	All roof-mounted equipment shall be screened from view from adjacent streets or adjacent properties in one of the following ways: 1. A parapet wall; or...	Roof top equipment is not being proposed or reviewed at this stage of development but the applicant states that rooftop equipment will be screened from view by a parapet wall approximately 5 feet in height. When Building permits for the installation of the rooftop equipment are sought, the applicant will have to demonstrate compliance with this section of the Development Code.	YES w/ COA
60.05.15.6.B	Buildings in Commercial zones shall occupy a minimum of 35 percent public street frontage where a parcel exceeds 60,000 gross square feet.	The subject site is located within a Commercial zone and is in excess of 60,000 square feet. After the lot consolidation (part of the Replat One application under concurrent review) the subject parcel will be ±60,118 gross square feet. The proposed building will occupy approximately 126 feet of public street frontage along SW Cedar Hills Blvd. The total site frontage along SW Cedar Hills Blvd. is approximately 246 feet. The proposed building will occupy approximately 51% of street frontage.	YES
60.05.15.6.C	Buildings subject to the street frontage standard shall be located no farther than 20 feet from the property line. The area between the building and property line shall be landscaped to standards	The proposed building setback along the SW Cedar Hills Boulevard frontage is proposed to be 12 feet from the front property line after right-of-way dedication.	YES

	found in Section 60.05.25.5.B. or 60.05.25.5.C.		
DESIGN STANDARD		PROJECT PROPOSAL	MEETS STANDARD?
60.05.15.6.E	Buildings subject to the street frontage standard shall have at least one primary building entrance oriented toward an abutting street or public pedestrian way. Where there is more than one abutting Class 1 Major Pedestrian Route...	The primary building entrance is oriented towards SW Cedar Hills Blvd., which is not classified as a Major Pedestrian Route.	YES
60.05.15.6.F	Secondary entrances may face on streets, off-street parking areas, or landscaped courtyards.	The applicant states the secondary entrance, (employee/service entrance) is proposed on the east elevation, which faces the drive-through area, parking area, and the southern landscape buffer.	YES
60.05.15.8.A	Ground floor elevations visible from and within 200 feet of a public street...and elevations that include a primary building entrance or multiple tenant entrances, shall have 35 percent minimum ground floor elevation area permanently treated with windows, display areas or glass doorway openings.	The west elevation includes the primary entrance and faces SW Cedar Hills Boulevard, a public street. The applicant states there is 882 square feet of total wall area from 3 feet to 10 feet; window and door glazing account for 483 square feet of this area. Total glazing is 55%, thereby exceeding the standard. (Sheets A2.1 and A2.2)	YES

Section 60.05.20 Circulation and Parking Lot Design Standards

DESIGN STANDARD		PROJECT PROPOSAL	MEETS STANDARD?
60.05.20 Circulation and Parking Design Standards			
60.05.20.1.A	Pedestrian, bicycle, and motor vehicle connections shall be provided between the on-site circulation systems and adjacent existing and planned streets...	The applicant has shown on the submitted plans (Sheet C2.0) that the on-site pedestrian, bicycle and motor vehicle circulation systems are connected to all abutting public circulation systems.	YES
60.05.20.2 Loading Areas, solid waste facilities and similar improvements			
60.05.20.2.A-C	Screening of waste facilities and loading docks.	The applicant's plans (Sheet C2.0) show the waste storage area will be located at the northeastern end of the site, near the access to SW Jenkins Road. The waste storage area will be fully screened from view of any public streets. (Sheet A3.5)	YES
60.05.20.3 Pedestrian Circulation			
60.05.20.3.A	Pedestrian connections shall be provided that link to adjacent existing and planned pedestrian facilities ... to the abutting public street system and on-site buildings, parking areas, and other facilities where pedestrian access is desired.	The primary entrance is located along the western façade of the building. A walkway is proposed to run along the north facades of the building and through the outdoor seating/dinning plaza area along the western façade. The plaza area will abut the public sidewalk along SW Cedar Hills Blvd., thus providing direct connection from the public sidewalk to main entrance and on-site pedestrian circulation area. The sidewalk runs the entire length of the property just north of the northern parking aisle and will allow convenient and safe access for pedestrians from the parking area to the restaurant through the site.	YES

60.05.20.3.B	A reasonably direct walkway connection is required between primary entrances, which are the main point(s) of entry where the majority of building users will enter and leave, and public and private streets, transit stops, and other pedestrian destinations.	The proposed connections will connect the building's main entrance to the existing adjacent sidewalks and to the existing adjacent bus stop along SW Cedar Hills Boulevard.	YES
60.05.20.3.C	A reasonably direct pedestrian walkway into a site shall be provided for every 300 feet of street frontage...	The applicant states the site has approximately 255 feet of street frontage along SW Cedar Hills Blvd. Three (3) pedestrian connections into the site will be provided from SW Cedar Hills Blvd., to the restaurant building via the walkway surrounding the building.	YES
60.05.20.3.D	Pedestrian connections through parking lots shall be physically separated from adjacent vehicle parking and parallel vehicle traffic through the use of curbs, landscaping, trees, and lighting...	The applicant's plans (Sheet C2.0) show that curbing and landscaping will be used to separate pedestrian traffic from adjacent vehicle parking and parallel vehicular traffic.	YES
60.05.20.3.E	Where pedestrian connections cross driveways or vehicular access aisles a continuous walkway shall be provided, and shall be composed of a different paving material than the primary on-site paving material.	Where pedestrian pathways cross vehicular drive aisles, the applicant's plans show that concrete with diamond hatch design will be used to distinguish the walkways from the asphalt parking and drive aisle areas.	YES
60.05.20.3.F	Pedestrian walkways shall have a minimum of five (5) foot wide unobstructed clearance and shall be paved with scored concrete or	The applicant has shown on the plans (Sheet C2.0) that all walkways will be at least five (5) feet wide and will be constructed of concrete, and will comply with all applicable ADA	YES

	modular paving materials...	standards. Walkways will be scored concrete.	
60.05.20.4 Street Frontages and Parking Areas			
60.05.20.4	Surface parking areas abutting a public street shall provide perimeter parking lot landscaping which meets one of the following standards: --A minimum 6-foot-wide planting strip between the right of way and the parking area.	No parking is proposed to abut a right-of-way.	N/A
60.05.20.5.A	Landscaped planter islands shall be required...one for every ten (10) contiguous parking spaces.	The applicant's plans show landscape islands provided at no less than one (1) island per eight (8) contiguous parking stalls.	YES
60.05.20.5.B	The island[s] shall have a minimum area of 70 square feet, and a minimum width of 6 feet, and shall be curbed to protect landscaping. The landscaped island shall be planted with a tree...	The applicant states that landscape planter islands will be curbed with a minimum width of six feet and a minimum area of 95 square feet. The landscape islands will be placed evenly throughout the parking area. A tree with a minimum mature height of 20 feet is proposed in each landscape island.	YES
60.05.20.5.C	Linear raised sidewalks and walkways within the parking area connecting the parking spaces and on-site buildings may be counted toward the total required number of landscaped islands...	The applicant states that raised sidewalks have not been counted toward the total required number of landscaped islands.	N/A
60.05.20.5.D	Trees planted within required landscape planter islands...shall be of a type and species identified by the City of Beaverton Street Tree List....	The applicant states that trees to be planted in the landscaped planter islands are listed in the City of Beaverton Street Tree List.	YES

60.05.20.7A	A sidewalk is required on all streets. Except where approved through Sidewalk Design Modification ... the sidewalk shall be a minimum of 10 feet wide, and provide an unobstructed path at least 5 feet wide.	The applicant states the sidewalk along SW Cedar Hills Blvd., will be moved and widened; the proposed sidewalk design allows for the required 20-foot wide dedication, while also accommodating a 10-foot wide walkway, with at least six (6) feet of unobstructed width at the tree wells.	YES
60.05.20.7B	A sidewalk or walkway internal to the site is required along building elevations that include a primary building entrance, multiple tenant entrances, or display windows. The sidewalk shall be a minimum of 10 feet wide.	The applicant's plans show a ten (10) foot wide walkway along the western elevation, containing one primary entrance. The north and west building areas contain walkways internal to the site, including the outdoor dining plaza area. These walkways will include an unobstructed path at least five (5) feet wide at the building entrance and be constructed of raised, exposed aggregate concrete, and will not be adjacent to the parking area.	YES
60.05.20.8 Connect on-site buildings, parking, and other improvements with identifiable streets and drive aisles in Residential, Multiple-Use, and Commercial Districts.			
60.05.20.8.A	Parking lot drive aisles that link public streets and/or private streets with parking stalls shall be designed as private streets.	The applicant's plans show that the proposed parking lot drive aisles provide direct access to perpendicular and angled parking stalls, therefore meeting the exemption to the Design Standard.	N/A
60.05.25 Landscape, Open Space, and Natural Areas Design Standards.			
60.05.25.5.A	15% of the total gross lot area in Commercial zoning districts shall be landscaped.	The applicant states that 25% of the total gross lot is landscaped. The applicant's plans show that landscaping is provided in areas not used for vehicular or pedestrian circulation areas or occupied by the proposed building area.	YES
60.05.25.5.B-C	Landscaped areas are to have at least 1 tree and 2 evergreen shrubs for every 800 square feet of required	The total required landscape area is 15% of the site, approximately 8,266 square feet. There are 10 trees required to be planted. The Planting plan, Sheet L1.0 indicates 32 trees	YES

	landscaped area, and all other portions of the landscaped area are to have live ground cover. Up to 25% of the required landscaped area may be bare gravel, rock, bark or other similar materials.	will be provided on the site and be consistent with the standards, as required. Additionally, 21 evergreen shrubs are required per the standard, the applicant indicates there will be 292 evergreen shrubs provided, thus meeting the standard. Ground cover is proposed to be planted in landscape areas not occupied by trees or evergreen shrubs. Bare gravel, rock, bark or other similar materials will not cover more than 25% of the required landscape area. The applicant does not propose counting the hardscaped areas or pedestrian plaza to count towards minimum landscaping requirements.	
60.05.25.5.D	Where buildings lack ground floor windows, additional landscape screening is required.	The applicant's plans show that the proposed building provides windows on the ground floor visible from the south, west and north elevations.	YES
60.05.25.8	Retaining walls greater than six (6) feet in height or longer than fifty (50) lineal feet used in site landscaping or as an element of site design shall be architecturally treated.	The applicant indicates that no fences or walls are proposed, however, a south fence may need to be reconstructed due to conflicts during construction. Staff has received testimony from the abutting residential property owner to the southeastern portion of the subject property concerned about potential noise and safety. Staff equally has concerns, and has provided a condition of approval requiring a solid CMU wall, brick, or similar wall comprised of noise attenuating materials, a minimum of six (6) feet tall, not to exceed eight (8) feet in overall height, along the southern and eastern property lines where abutting residential uses.	YES
60.06.25.9A-B	Fences and walls shall be constructed of any materials commonly used in the construction of fences and walls.	Chain link fencing is not proposed, however, in order to provide noise attenuation to the southern portion and eastern property lines abutting existing residential uses, a solid CMU	YES w/COA

		wall, brick, or similar noise/durable materials may be necessary. Staff recommends a condition of approval that a solid wall be constructed in order to provide noise attenuation resulting from the proposed restaurant. Front yard setback is not required, the project site exceeds 60,000 square feet.	
60.05.25.11	Integrate above-ground water quality/quantity facilities into the landscaping.	The applicant states there will be no stormwater facilities proposed between the front of the building and the street. (SW Cedar Hills Blvd.)	N/A
60.05.25.13	All new development and redevelopment in the City subject to Design Review shall comply with the landscape buffering requirements of Table 60.05-2.B1 (Low-Screen) Buffers require 1 tree for every 30 feet and shrubs and live ground cover in between.	The site is zoned CS and is located adjacent to Washington County R-5 Residential zoning along a portion of the southern property line, and the entirety of the eastern boundary. A 20-foot, B-3 Buffer is necessary along the southern property line where abutting residential (Washington County R5), in addition to a 10-foot wide B-3 buffer along the eastern property line where abutting residential (City of Beaverton Urban Medium Density, R2). Plan Sheet L1.0 shows the buffering as required.	YES

Design Review Standards Analysis and Findings Chart

Section 60.05.30 Lighting Design Standards

DESIGN STANDARD		PROJECT PROPOSAL	MEETS STANDARD?
60.05.30.1.A	Lighting shall be provided at lighting levels for development and redevelopment in all zoning districts consistent with the City's Technical Lighting Standards.	The applicant states that the proposed lighting for this project complies with the City's Technical Lighting Standards. The applicant has submitted a photometric site plan (Sheet SP-1), and cut sheets of the lighting details (Exhibit F of applicant materials). All entries are illuminated to sufficient levels. Maximum permitted illumination levels shall not exceed 0.5 lumens at the property line where abutting residential uses.	YES w/ COA
60.05.30.1.B	Lighting shall be provided in vehicular circulation areas and pedestrian circulation areas.	Lighting of vehicular areas is to be accomplished with pole mounted lights. Pedestrian areas will be illuminated with on-building fixtures as well as light from parking area pole lights.	YES
60.05.30.1.C	Lighting shall be provided in pedestrian plazas, if any developed.	The applicant proposes a small plaza area near the western entrance. This area will be illuminated with light fixtures mounted on top of the surrounding screen wall.	YES
60.05.30.1.D	Lighting shall be provided at building entrances.	Wall mounted lighting is shown to be provided at the building entrances.	YES
60.05.30.1.E	Canopy lighting shall be recessed so that the bulb or lens is not visible from a public right-of-way.	Canopy lighting is not proposed.	N/A
60.05.30.2.A	Pole-mounted luminaires shall not exceed 30 feet in height.	The proposed light poles are 25 feet, with an additional 24" (2-foot) concrete base, bringing total height of lighting to 27 feet high.	YES
60.05.30.2.B	Wall-mounted lights shall not be more than	The top of the proposed wall-mounted lights is approximately 9.0 feet above the finished grade.	YES

	15 feet above finished grade.		
60.05.30.2.C	Lighted bollards when used to delineate on-site pedestrian and bicycle pathways shall have a maximum height of forty-eight (48) inches.	There are no lighted bollards proposed with this application.	N/A

RECOMMENDATION

Based on the facts and findings presented, staff recommends **APPROVAL of DR2017-0138 (Chick-Fil-A Restaurant)**, subject to the conditions in Attachment F.

**ANALYSIS AND FINDINGS FOR
REPLAT ONE
Chick-fil-A Cedar Hills
LD2017-0004**

Section 40.45.05: Land Division Applications; Purpose

The purpose of the Land Division applications is to establish regulations, procedures, and standards for the division or reconfiguration of land within the City of Beaverton.

Section 40.45.15.2.C Approval Criteria

In order to approve a Replat One application, the decision making authority shall make findings of fact based on evidence provided by the applicant demonstrating that all the following criteria are satisfied:

1. *The application satisfies the threshold requirements for a Replat One.*

The applicant proposes consolidation of tax lot 1700 and 2400 into one (1) legal lot of record, meeting the threshold for a Replat One below.

1. The reconfiguration of lots, parcels, or tracts within a single existing plat that decreases or consolidates the number of lots, parcels, or tracts in the plat.

Therefore, staff find that the proposal meets the criterion for approval.

2. *All City application fees related to the application under consideration by the decision making authority have been submitted.*

The applicant has paid the required application fee for a Replat One application.

Therefore, staff find that the proposal meets the criterion for approval.

3. *The proposed Replat does not conflict with any existing City approval, except the City may modify prior approvals through the Replat process to comply with current Code standards and requirements.*

City staff found no existing City approvals that the proposed Replat would conflict with.

Therefore, staff find that the proposal meets the criterion for approval.

- 4. Oversized parcels (oversized lots) resulting from the Replat shall have a size and shape which will facilitate the future potential partitioning or subdividing of such oversized lots in accordance with the requirements of the Development Code. In addition, streets, driveways, and utilities shall be sufficient to serve the proposed lots and future potential development on oversized lots. Easements and rights-of-way shall either exist or be provided to be created such that future partitioning or subdividing is not precluded or hindered, for either the oversized lot or any affected adjacent lot.**

The project proposal involves lot consolidation of two existing lots, tax lot 1700 and 2400 from one (1) existing lot. The resultant parcel will be oversized, at ±60,112 square feet, which is greater than the minimum 7,000 square foot lot size of the Community Service (CS) zoning district. However, because these parcels zoned commercial and will contain commercial uses, oversized parcels do not affect density requirements as typically found in other zoning districts, especially residential. Future subdivision of the parcels are not precluded with this land division application.

Therefore, staff find that the criterion for approval does not apply.

- 5. Applications that apply the lot area averaging standards of Section 20.05.15.D shall demonstrate that the resulting land division facilitates the following:**

- a) Preserves a designated Historic Resource or Significant Natural Resource (Tree, Grove, Riparian Area, Wetland, or similar resource); or,**
- b) Complies with minimum density requirements of [the Development] Code, provides appropriate lot size transitions adjacent to differently zoned properties, and where a street is proposed provides a standards street cross section with sidewalks.**

The proposal does not apply the lot area averaging standards.

Therefore, staff find that the criterion for approval does not apply.

- 6. Applications that apply the lot area averaging standards of Section 20.05.15.D do not require further Adjustments or Variance for the Land Division.**

The proposal does not apply the lot area averaging standards.

Therefore, staff find that the criterion for approval does not apply.

7. ***If phasing is requested by the applicant, the requested phasing plan meets all applicable City standards and provides for necessary public improvements for each phase as the project develops.***

The applicant does not propose to phase the development

Therefore, staff find that the criterion for approval does not apply.

8. ***The proposal will not eliminate pedestrian, utility service, or vehicle access to the affected properties.***

The applicant states that the proposal will not eliminate pedestrian, utility service, or vehicle access to the affected properties. The applicant cites Plan Sheet C2.0 as showing pedestrian and vehicular access onto the consolidated lot. Utility service is viewable on Plan Sheet C5.0. Staff has reviewed the applicant's proposed site plan and concurs that pedestrian, utility service, and vehicle access will not be eliminated.

Therefore, staff find that the proposal meets the criterion for approval.

9. ***The proposal does not create a parcel which will have more than one (1) zoning designation.***

Both tax lots, 1700 and 2400 are within the Community Service (CS) zoning district. Once consolidated into one (1) parcel, it will remain within the CS zoning district, thereby not creating split-zoned parcels.

Therefore, staff find that the proposal meets the criterion for approval.

10. ***Applications and documents related to the request requiring further City approval, shall be submitted to the City in the proper sequence.***

The applicant has submitted this Replat One application with associated New Conditional Use Permit, Design Review Two, and Tree Plan Two applications as part of this project. Concurrent review of the applications satisfies this criterion. No other applications are required for the applicant at this stage of city review.

Therefore, staff find that the proposal meets the criterion for approval.

RECOMMENDATION Based on the facts and findings presented, staff recommends **APPROVAL** of **LD2017-0004 (Chick-fil-A Restaurant Replat One)**, subject to the applicable conditions identified in Attachment F.

Land Division Standards Code Conformance Analysis

CODE STANDARD	CODE REQUIREMENT	PROJECT PROPOSAL	MEETS CODE?
Grading Standards			
60.15.10.1 Applicability	Grading standards apply to all land divisions where grading is proposed but do not supersede Section 60.05.25 Design Review.	The proposal is subject to the grading standards contained herein.	YES
60.15.10.2.A-C Exemptions	Exemptions include: Public right-of-way, storm water detention facilities, grading adjacent to an existing public-right of way which results in a finished grade below the elevation of the adjacent right-of-way.	Road improvements are exempt from the grading standards in 60.15.10.3. as all permitted grading in public rights-of-way are exempt.	YES
60.15.10.3.A 0-5 Feet From Property Line	Maximum of two (2) foot slope differential from the existing or finished slope of the abutting property.	The maximum grade differential for this increment does not exceed this standard.	YES
60.15.10.3.B 5-10 Feet From Property Line	Maximum of four (4) foot slope differential from the existing or finished slope of the abutting property.	The maximum grade differential for this increment does not exceed this standard.	YES
60.15.10.3.C 10-15 Feet From Property Line	Maximum of six (6) foot slope differential from the existing or finished slope of the abutting property.	The maximum grade differential for this increment does not exceed this standard.	YES
60.15.10.3.D 15-20 Feet From Property Line	Maximum eight (8) foot slope differential from the existing or finished slope of the abutting property.	The maximum grade differential for this increment does not exceed this standard.	YES
60.15.10.3.E 20-25 Feet From Property Line	Maximum ten (10) foot slope differential from the existing or finished slope of the abutting property.	The maximum grade differential for this increment does not exceed this standard.	YES

60.15.10.3.F Pre-development slope	Where a pre-development slope exceeds one or more of the standards in subsections 60.15.10.3.A-E, the slope after grading shall not exceed the pre-development slope	No existing slopes exceed the standards within this Section.	N/A
Significant Trees and Groves			
60.15.10.4 Significant Trees and Groves	Standards for grading within 25 feet of significant trees or groves.	No significant trees or groves existing on site.	N/A

**ANALYSIS AND FINDINGS FOR
TREE PLAN TWO
Chick-fil-A Cedar Hills
TP2017-0016**

Section 40.90.05 Tree Plan Applications; Purpose

Healthy trees and urban forests provide a variety of natural resource and community benefits for the City of Beaverton. Primary among those benefits is the aesthetic contribution to the increasingly urban landscape. Tree resource protection focuses on the aesthetic benefits of the resource. The purpose of a Tree Plan application is to provide a mechanism to regulate pruning, removal, replacement, and mitigation for removal of Protected Trees (Significant Individual Trees, Historic Trees, trees within Significant Groves and Significant Natural Resource Areas (SNRAs)), and Community Trees thus helping to preserve and enhance the sustainability of the City's urban forest. This Section is carried out by the approval criteria listed herein and implements the SNRA, Significant Grove, Significant Individual Tree, and Historic Tree designations as noted or mapped in Comprehensive Plan Volume III.

Section 40.90.15.2.C Approval Criteria

In order to approve a Tree Plan Two application, the decision making authority shall make findings of fact based on evidence provided by the applicant demonstrating that all the following criteria are satisfied:

1. The proposal satisfies the threshold requirements for a Tree Plan Two application.

The applicant proposes to remove five (5) community trees to accommodate the construction of a new restaurant with drive-through facilities, meeting the threshold for a Tree Plan Two below.

1. Removal of five (5) or more Community Trees, or more than 10% of the number of Community Trees on site, whichever is greater, within a one (1) calendar year period.

The applicant has stated that two (2) community trees will definitely be removed (trees #16441 and #1484) in order to accommodate the proposed restaurant project. However, the applicant has indicated there is a potential for an additional three (3) community trees to be removed. The Arborist Report, Exhibit G of the applicant's materials, has labeled trees #1492, #6444, and #6445 as "likely to be retained" because they are mature Oregon White Oaks in fair to good condition. However, because they will be in close proximity to on-site construction of the building, sidewalk, and new storm drain, the extent of root impacts is not known. Protection fencing will be provided as demolition takes place on the subject site. The project arborist indicates that after demolition of the existing commercial building and related infrastructure, the contractor is to have said arborist revisit the site in order to evaluate any exposed roots, if any, from these three (3) community trees. If it is determined by the arborist

that further excavation under the drip line area of these trees will be detrimental to the health and stability of the trees, then a report will be submitted to the city with the arborist's recommendation to have the trees removed. Because they are Community Trees, no mitigation is required. However, the arborist has advised that the trees be protected until if, and when a qualified arborist determines that their removal is necessary for construction. And, because the trees are densely grouped together, the removal of one (1) tree could negatively impact the remaining trees. Lastly, because tree #1492 is on the southern property line and is shared by both property owners, consent of the adjacent property owner will be needed if removal takes place. Staff concur with the applicant, and find the criterion has been met, with a condition of approval.

Therefore, staff find by meeting the Conditions of Approval, the proposal meets the criterion for approval.

2. *All City application fees related to the application under consideration by the decision making authority have been submitted.*

The applicant has paid the required application fee for a Tree Plan Two application.

Therefore, staff find that the proposal meets the criterion for approval.

3. *If applicable, removal of any tree is necessary to observe good forestry practices according to recognized American National Standards Institute (ANSI) A300-1995 standards and International Society of Arborists (ISA) standards on the subject.*

The applicant states that removal of tree #1484 is necessary due to its poor condition, including poor structure, trunk and crown decay, and dead and broken branches. The applicant's arborist states that due to the poor health and overall condition of tree #1484, and its proximity to the construction area, the tree is not suitable for retention. Staff concur with the applicant.

Therefore, staff find that the proposal meets the criterion for approval.

4. *If applicable, removal of any tree is necessary to accommodate physical development where no reasonable alternative exists.*

The applicant states that tree #6441 is proposed for removal in order to accommodate physical development of the subject site. Said tree is located where the paved drive-through area is proposed, and must be removed in order create a functional site plan for the project, while meeting the requirements for utilities, parking, setbacks, landscaping and dedications. Sheets L1.0 and C5.0 of the applicant's materials show a storm drain, water line, and power line proposed directly through the area where tree #6441 is currently located.

Identified trees #1492, 6444, and 6445, may also be removed, as indicated in the Arborist's report (Exhibit G of applicant materials) depending upon the impacts of the construction to the tree roots, and if roots are detrimentally affected under the drip line area of said trees. Staff concur with the applicant, and find the criterion to be satisfied.

Therefore, staff find that the proposal meets the criterion for approval.

- 5. *If applicable, removal of any tree is necessary because it has become a nuisance by virtue of damage to property or improvements, either public or private, on the subject site or adjacent sites.***

The applicant asserts this criterion is not applicable. Tree removal is not due to nuisance of the trees, but rather to accommodate development where no reasonable alternative exists. Staff agrees with the applicant's assessment.

Therefore, staff find that the criterion for approval does not apply.

- 6. *If applicable, removal is necessary to accomplish public purposes, such as installation of public utilities, street widening, and similar needs, where no reasonable alternative exists without significantly increasing public costs or reducing safety.***

The applicant asserts this criterion is not applicable. The proposed removal is not necessary to accomplish public purposes, such as public utility installations, street widening, or similar needs. Staff agrees with the applicant's assessment.

Therefore, staff find that the criterion for approval does not apply.

- 7. *If applicable, removal of any tree is necessary to enhance the health of the tree, grove, SNRA, or adjacent trees, or to eliminate conflicts with structures or vehicles.***

The applicant asserts this criterion is not applicable, as there is no SNRA on the subject site. The proposed removal is not necessary to enhance the health of the trees, grove, SNRA, or adjacent trees or to eliminate conflicts with structures or vehicles. Staff agrees with the applicant's assessment.

Therefore, staff find that the proposal meets the criterion for approval.

8. ***If applicable, removal of a tree(s) within a SNRA or Significant Grove will not result in a reversal of the original determination that the SNRA or Significant Grove is significant based on criteria used in making the original significance determination.***

The applicant asserts this criterion is not applicable, as there are no SNRA or significant groves on the subject site. The proposed removal is not necessary to enhance the health of the trees, grove, SNRA, or adjacent trees or to eliminate conflicts with structures or vehicles. Staff agrees with the applicant's assessment.

Therefore, staff find that the criterion for approval does not apply.

9. ***If applicable, removal of a tree(s) within a SNRA or Significant Grove will not result in the remaining trees posing a safety hazard due to the effects of wind throw.***

The applicant asserts this criterion is not applicable because there is not an SNRA or Significant Grove on site. Staff agrees with the applicant's assessment.

Therefore, staff find that the criterion for approval does not apply.

10. ***The proposal is consistent with all applicable provisions of Section 60.60. (Trees and Vegetation) and Section 60.67. (Significant Natural Resources).***

Staff cites the Code Conformance Analysis chart at the end of the Tree Plan Staff Report, which evaluates the project as it relates to applicable code requirements of Sections 60.60 through 60.67, as applicable to the aforementioned criterion. As demonstrated on the chart, the proposal complies, or can be made to comply through conditions, with all applicable provisions of Chapter 60.60 and 60.67.

Therefore, staff find by meeting the Conditions of Approval, the proposal meets the criterion for approval.

11. ***Grading and contouring of the site is designed to accommodate the proposed use and to mitigate adverse effects on neighboring properties, public right-of-way, surface drainage, water storage facilities, and the public storm drainage system.***

The applicant asserts that site grading and contouring are the minimum necessary to accommodate the proposed transportation facility. The proposed grading creates no adverse impacts to neighboring properties. A Grading plan (Sheet C3.0) has been provided by the applicant. The Plan illustrates that the site has been graded and designed to direct stormwater to internal collection inlets and routed into an internal stormwater management system. Staff concur that the applicant has provided the necessary mitigation in order to

prevent adverse effects on neighboring properties, public right-of-way, surface drainage, water storage facilities and the public storm drainage system.

Therefore, staff find that the proposal meets the criterion for approval.

12. *The proposal contains all applicable application submittal requirements as specified in Section 50.25.1. of the Development Code.*

The application package for this submittal contained all of the applicable submittal requirements specified in Section 50.25.1 of the Beaverton Development Code.

Therefore, staff find that the proposal meets the criterion for approval.

13. *Applications and documents related to the request, which will require further City approval, shall be submitted to the City in the proper sequence.*

The applicant has submitted this Tree Plan Two application with associated New Conditional Use Permit, Design Review Two, and Replat One applications as part of this project. Concurrent review of the applications satisfies this criterion. No other applications are required for the applicant at this stage of city review. The Tree Plan Two application is dependent upon the approval of the Design Review Two application. Staff recommends a condition of approval that states the approval of the Tree Plan Two application is subject to approval of the associated Design Review Two application.

Therefore, staff find that the proposal meets the criterion for approval.

Recommendation

Based on the facts and findings presented, staff issues an **APPROVAL** of **TP2017-0016 (Chick-fil-A Tree Plan Two)**, subject to the applicable conditions identified in Attachment F.

Code Conformance Analysis

Chapter 60.60 Trees and Vegetation & Chapter 60.67 Significant Natural Resources

CODE SECTION	CODE REQUIREMENT	PROJECT PROPOSAL	MEET STANDARD
60.60.15 Pruning, Removal, and Preservation Standards			
60.60.15.2.A	Removal of Protected Trees shall be done in accordance with the standards.	There are no Protected Trees on the project site, the trees are landscape trees and community trees.	N/A
60.60.15.2.B	Removal of Landscape Trees and Protected trees shall be mitigated, as set forth in section 60.60.25.	The Arborist report included with the applicant materials as Exhibit G, references 26 landscape trees, nine (9) of which are designated for removal. Of the nine (9), there are up to five (5) community trees that may be removed. The applicant has stated, per Plan Sheet L1.0 Mitigation Table, that 15 mitigation trees are proposed.	YES w/COA
60.60.15.2.C	For SNRAs and Significant Groves...additional standards shall apply...	As documented in the Arborist report the site does not contain SNRAs or Significant Groves.	N/A
60.60.20.1.A.1-2	Trees classified as Protected Trees under this Code shall be protected during development... Fence shall be 4' tall orange plastic or nor snow fence, secured to six foot (6') tall metal posts, driven two feet (2') into the ground. Heavy 12-gauge wire shall be strung between each post...	The applicant states that trees remaining on site will protected consistent with the requirements of 60.60.20.1.A.1 as recommended in the arborist report included in the application materials.	YES
60.60.20.1.B	Within the protected root zone of each tree, the following development shall not be permitted:	The applicant states no prohibited activities will take place within the root zone. However staff recommends a condition of approval to	YES w/COA

	1. Construction or placement of new buildings. 2. Grade change or cut and fill, except where hand excavation is approved with the submittal of an arborist's report, as part of application approval. 3. New impervious surfaces. 4. Trenching for utilities, irrigation, or drainage. 5. Staging or storage of any kind. 6. Vehicle maneuvering or parking	restrict development within the tree protection areas, consistent with Section 60.60.20.1.B.	
60.60.25 Mitigation Requirements			
60.60.25.1A	All mitigation tree planting shall take place in conformance with accepted arboricultural practices and shall be spaced a minimum of ten (10) feet apart.	On site planting mitigation is not proposed or required.	N/A
60.60.25.1B	Trees planted for the purpose of tree removal mitigation shall be maintained in accordance with the approved mitigation plan. Monitoring of mitigation planting shall be the ongoing responsibility of the property owner	On site planting mitigation is not proposed or required.	N/A
60.60.25.1.C	Trees planted for the purpose of tree removal mitigation shall be set aside in a conservation easement or a separate tract and shall be designated as "Mitigation Trees"	On site planting mitigation is not proposed or required.	N/A
60.60.25.1.E	Street trees shall not be counted as providing mitigation of a SNRA or Significant Grove.	Mitigation is not required and Street Trees are not being counted towards mitigation.	N/A

60.60.25.2.A-C	Mitigation for removal of trees from Significant Groves or SNRAs shall be required.	There are no Significant Groves or SNRAs on site.	N/A
60.60.25.3 Additional requirements for mitigation specific to Significant Groves			
60.60.25.3A-B	Dead or dying trees within a Significant Grove or SNRA shall be fallen when required for safety. Such tree falling shall not require mitigation. However, the fallen log should remain in the Significant Grove...	No Significant Groves or SNRAs exist on the project site.	N/A
60.60.25.9.A-C	Replacement trees shall be substantially similar in species...DBH calculations at a one-to-one ratio...depending on the capacity to accommodate replacement trees...	The applicant's planting plan, Sheet L1.0 shows replacement trees to be of similar species. The applicant has proposed 22.5-inches of replacement DBH. The total required per the Beaverton Development Code is 51-inches. The applicant states that in order to mitigate for the removed trees, an equivalent of 25.5-inches DBH, 2-inch caliper trees would be necessary, which is more than the site can accommodate. The applicant has proposed 32 mitigation trees at 1.5-inch caliper, for a total of 48-inch DBH of mitigation.	YES

CONDITIONS OF APPROVAL

CU2018-0003 Conditional Use-Hours of Operation

A. General Conditions of Approval:

1. The Conditional Use permit shall run with the land and shall continue to be valid upon a change of ownership of the site, unless otherwise specified in conditions attached to the permit. (Planning/SF)
2. Final decision shall expire automatically two (2) years from the effective date of decision unless the approval is enacted either through construction or establishment of use within the two (2) year time period. (Planning/SF)
3. Prior to Site Development permit issuance, ensure that the associated Design Review Two (DR2017-0138) application has been approved and is consistent with the submitted plans. (Planning/SF)

B. The Applicant or property owner shall continually comply with the following conditions:

4. Hours of operation for employees of the restaurant, located at 2970 SW Cedar Hills Boulevard, shall be from 5:00 am to 7:00 am for set-up preparation and deliveries assistance; and, from 10:00 pm to 11:30 pm for cleanup and close down of the restaurant, Monday through Saturday. (Planning/SF)
5. Hours of operation for the public are not to exceed 7:00 am to 10:00 pm without additional Conditional Use approval. (Planning/SF)
6. Due to the counter flow of truck egress movement as shown on Figure 2 of the applicant's submittal materials for the WB-67 truck-turning diagram, deliveries which require the use of a vehicle with four (4) or more axles shall be limited to the hours of 5:00 am to 7:00 am. (Transportation/KR)
7. Hours of operation for trash removal from the site shall be limited to between the hours of 6:30 am and 8:00 pm Monday through Saturday only. (Planning/SF)
8. The applicant shall turn off delivery vehicles while unloading. (Planning/SF)
9. The applicant shall be required to turn off back-up beepers of delivery vehicles, unless prohibited by law. (Planning./SF)
10. No external trash compactor allowed outside during the extended hours of operation. (Planning/SF)

11. Parking lot cleaning shall take place during the hours of 6:30 am to 10:00 pm, Monday through Saturday only. (Planning/SF)
12. No mechanical parking low sweeper(s) or blower(s) allowed during the extended hours of operation. (Planning/SF)
13. Ensure that delivery truck operators, and parking lot cleaning operators comply with the noise standards of Beaverton City Code, 5.15.025, during all deliveries before 7:00 am, Monday through Saturday. (Planning/SF)
14. Ensure all sound systems associated with the restaurant drive-through speakers do not exceed a measurement of 50 decibels (dBA) at the adjoining property line(s). (BC 5.15.025) Planning (SF).
15. Construct a decorative CMU block wall, brick wall, or similar solid screening comprised of noise attenuating materials, along the eastern and southern property lines where adjacent to residential uses, a minimum of six (6) feet tall, not to exceed eight (8) feet tall, in order to provide for noise attenuation to the existing residential uses abutting the subject project site. (Planning/SF)

DR2017-0138 Design Review Two

C. General Conditions of Approval:

16. Final decision shall expire automatically two (2) years from the effective date of decision unless substantial completion has occurred or an extension has been applied for and is subsequently granted. (Planning/SF)
17. The applicant shall ensure that the associated Tree Plan Two (TP2017-0016) application has been approved and is consistent with the submitted plans. (Planning/SF)
18. The applicant shall provide a site plan which demonstrates all internal pedestrian walkways have a minimum of five (5) foot wide unobstructed clearance and will be paved with scored concrete or modular paving materials, per Section 60.05.20.3.F *Circulation and Parking Design Standards* of the Beaverton Development Code. (Planning/SF)
19. The applicant shall provide a plan that demonstrates that all proposed pedestrian pathways will provide for adequate lighting, be designed to meet all applicable Design Standards, as outlined in Section 60.05.30 *Lighting Design Standards* of the Beaverton Development Code. (Planning/SF)

D. Prior to Issuance of the Site Development permit, the applicant shall:

20. Submit the required plans, application form, fee, and other items needed for a complete site development permit application per the applicable review checklist. (Site Development Div./JJD)

21. Contract with a professional engineer to design and monitor the construction for work governed by Beaverton Municipal Code 9.05.020, as set forth in Ordinance 4417 (City Engineering Design Manual and Standard Drawings), Beaverton Development Code (Ordinance 2050, 4010 +rev.), the Clean Water Services District Design and Construction Standards (April 2017, Resolution and Ordinance 2017-05), and the City Standard Agreement to Construct and Retain Design Professionals in Oregon. (Site Development Div./JJD)
22. Submit a completed and executed City Standard Agreement to Construct Improvements and Retain Design Professional(s) Registered in Oregon. After the site development permit is issued, the City Engineer and the Planning Director must approve all revisions as set out in Ordinances 2050, 4010+rev., and 4417; however, any required land use action shall be final prior to City staff approval of the engineering plan revision and work commencing as revised. (Site Development Div./JJD)
23. Have the ownership of the subject property guarantee all public improvements, site grading, storm water management facilities and emergency vehicle access paving by submittal of a City-approved security. The security approval by the City consists of a review by the City Attorney for form and the City Engineer for amount, equivalent to 100 percent or more of estimated construction costs. (Site Development Div./JJD)
24. Submit any required off-site easements, executed and ready for recording, to the City after approval by the City Engineer for legal description of the area encumbered and City Attorney as to form. (Site Development Div./JJD)
25. Have obtained the Tualatin Valley Fire and Rescue District Fire Marshal's approval of the site development plans as part of the City's plan review process. (Site Development Div./JJD)
26. Have obtained approvals needed from the Clean Water Services District for storm system connections as a part of the City's plan review process. (Site Development Div./JJD)
27. Submit plans for erosion control per 1200-CN General Permit (DEQ/CWS/City Erosion Control Joint Permit) requirements to the City if the proposed disturbed area is greater than one acre. The applicant shall use the plan format per requirements for sites between 1 and 4.99 acres, adopted by DEQ and Clean Water Services. (Site Development Div./JJD)
28. Provide a detailed drainage analysis of the subject site and prepare a report prepared by a professional engineer meeting the standards set by the City Engineer. The analysis shall identify all contributing drainage areas and plumbing systems on and adjacent to the site with the site development permit application. The analysis shall also delineate all areas on the site that are inundated during a 100-year storm event in addition to any overflow from storm conveyance piping. The site plans shall clearly show the 100-year flood limits on each plan sheet that contains elevation information. (Site Development Div./JJD)
29. Provide construction plans that show how each lot will be independently served by utility systems as required by the City Engineer and City Building Official per City standards. All site sewer (storm and sanitary) plumbing that serves more than one lot, or crosses onto another lot, shall be considered a public system and shall be constructed to the requirements of the City Engineer. Sheet flow of surface water from one lot's paved area to another lot's paved area shall not be considered a direct plumbing service. (Site Development Div./JJD)

30. Provide final construction plans and a final drainage report demonstrating compliance with CWS Resolution and Order 2017-05 in regard to quality treatment as generally outlined in the preliminary analysis, dated October, 2017 (Bayfilter). (Site Development Div./JJD)
31. Submit an owner-executed, notarized, City/CWS standard private stormwater facilities maintenance agreement for the private storm water treatment facilities, with maintenance plan and all standard exhibits, including site legal description, ready for recording with Washington County Records. (Site Development Div./JJD)
32. Submit to the City a certified impervious surface determination of the entire site prepared by the applicant's engineer, architect, or surveyor. The certification shall consist of an analysis and calculations determining the square footage of all impervious surfaces as a total for that phase. In addition, changes in specific types of impervious area totals, in square feet, shall be given for roofs, parking lots and driveways, sidewalk and pedestrian areas, and any gravel surfaces. Calculations shall also indicate the square footage of pre-existing impervious surfaces, the new impervious surface area created, and total final impervious surfaces areas on the entire site or individual tax lots if applicable. (Site Development Div./JJD)
33. Pay storm water system development charges (storm water quantity and overall system conveyance) for all net, new impervious surface area created for the entire project. For the right of way area along the Cedar Hills Boulevard frontage, an additional fee-in-lieu of constructed facility shall be assessed and paid (\$1 per square of existing tributary area and new impervious creation to the catch basin that would otherwise need to be replaced by a Contech Storm-filter catch basin). (Site Development Div./JJD)
34. Provide plans for the placement of underground utility lines along street frontages, within the site, and for services to the proposed new development. No utility service lines to the structures shall remain overhead on site. If existing utility poles along existing street frontages must be moved to accommodate the proposed improvements, the affected lines must be either undergrounded or a fee in lieu of undergrounding paid per Section 60.65 of the Development Code. (Site Development Div./JJD)
35. **COMMERCIAL BUILDINGS – REQUIRED FIRE FLOW:** The minimum fire flow and flow duration shall be determined in accordance with OFC Table B105.2. The required fire flow for a building shall not exceed the available GPM in the water delivery system at 20 psi residual. (OFC B105.3) (TVF&R/JF)

Note: OFC B106, Limiting Fire-Flow is also enforced, except for the following:
 - The maximum needed fire flow shall be 3,000 GPM, measured at 20 psi residual pressure.
 - Tualatin Valley Fire & Rescue does not adopt Occupancy Hazards Modifiers in section B105.4-B105.4.1
36. **FIRE FLOW WATER AVAILABILITY:** Applicants shall provide documentation of a fire hydrant flow test or flow test modeling of water availability from the local water purveyor if the project includes a new structure or increase in the floor area of an existing structure. Tests shall be conducted from a fire hydrant within 400 feet for commercial projects, or 600 feet for residential development. Flow tests will be accepted if they were performed within 5 years as long as no adverse modifications have been made to the supply system.

Water availability information may not be required to be submitted for every project. (OFC Appendix B) *Provide fire flow calculations by site development review.* (TVF&R/JF)

37. PAINTED CURBS: Where required, fire apparatus access roadway curbs shall be painted red (or as approved) and marked "NO PARKING FIRE LANE" at 25 foot intervals. Lettering shall have a stroke of not less than one inch wide by six inches high. Lettering shall be white on red background (or as approved). (OFC 503.3) *Painted curbing or striping will be required to delineate all fire lanes. Fire lanes are required at the entrance drive approximately 80 feet in depth (to the edge of the drive-thru).* (TVF&R/JF)
38. SURFACE AND LOAD CAPACITIES: Fire apparatus access roads shall be of an all-weather surface that is easily distinguishable from the surrounding area and is capable of supporting not less than 12,500 pounds point load (wheel load) and 75,000 pounds live load (gross vehicle weight). Documentation from a registered engineer that the final construction is in accordance with approved plans or the requirements of the Fire Code may be requested. (OFC 503.2.3) *Fire lanes must meet these loading requirements. See item # 3 above.* (TVF&R/JF)
39. FIRE DEPARTMENT CONNECTION (FDC) LOCATIONS: FDCs shall be located within 100 feet of a fire hydrant (or as approved). Hydrants and FDC's shall be located on the same side of the fire apparatus access roadway or drive aisle, fully visible, and recognizable from the street or nearest point of the fire department vehicle access or as otherwise approved. (OFC 912.2.1 & NFPA 13) *Current plans show the FDC and hydrant on opposite sides of the access driveway (fire lane). Revise drawings by site development review.* (TVF&R/JF)
40. KNOX BOX: A Knox Box for building access may be required for structures and gates. See Appendix B for further information and detail on required installations. Order via www.tvfr.com or contact TVF&R for assistance and instructions regarding installation and placement. (OFC 506.1) *A Knox Box is required for this building.* (TVF&R/JF)
41. FIRE PROTECTION EQUIPMENT IDENTIFICATION: Rooms containing controls to fire suppression and detection equipment shall be identified as "Fire Control Room." Signage shall have letters with a minimum of 4 inches high with a minimum stroke width of 1/2 inch, and be plainly legible, and contrast with its background. (OFC 509.1) (TVF&R/JF)
42. Provide evidence that new driveway intersections meet City requirements for intersection sight distance. No obstructions shall be placed within the driveway intersection sight vision triangle except as provided by City Ordinance, including but not limited to parking. New driveway intersections shall meet sight distance criteria in the City of Beaverton's Engineering Design Manual for the design speed of the roadway. (Transportation/KR)
43. Provide detailed plans that show bicycle parking to accommodate 2 long-term and 2 short-term bike parking spaces. The short-term spaces are to be provided by an inverted staple, or U-shaped rack that is centered within a 6-foot by 4-foot area of concrete or similar all-weather surface, and should be as close as possible to the main entrance. Long-term parking spaces are required to be lighted and covered. Bicycle parking spaces should not be located closer than 2 feet to a building wall. (Transportation/KR)

44. Submit plans that show dedication of right-of-way along the property's SW Cedar Hills Boulevard frontage, consistent with the approved plans, meeting the City's 5-lane Arterial Street standards, and construction of interim half-street improvements, including sidewalk, as approved by the Planning Commission and the City Traffic Engineer. (Transportation/KR/JK)
45. Submit plans that show the installation of a median traffic separator as approved by the City Traffic Engineer. (Transportation/KR)
46. Submit photometric plans that show that all pedestrian pathways are lighted to at least 0.5 foot-candles. (Transportation/KR)
47. Submit plans that show that the driveway entrance onto SW Cedar Hills Blvd. will be lighted to meet the City's lighting standards. (Transportation/KR)
48. Design the nine (9) parking spaces located at the southeastern and eastern portions of the parking area to be a minimum of 18.5 feet deep, or provide for bumper overhangs of at least one (1) foot in order to meet the depth requirements of Section 60.30.15 of the Beaverton Development Code. (Planning/SF)
49. Provide a plan showing no greater than 0.5 foot-candle at the property line as measured in the vertical and horizontal plane. Public view of exterior light sources such as lamps and bulbs, is not permitted from streets abutting properties at the property line. (Planning/SF)
50. Provide a plan showing construction of the required screen/noise attenuation wall along the southern and eastern property lines, meeting the Design Standards of Sections 60.05.25.8 and 60.05.25.9 of the Development Code. (Planning/SF)

E. Prior to Building Permit Issuance, the applicant shall:

51. Submit a complete site development permit application and obtain the issuance of site development permit from the Site Development Division. (Site Development Div./JJD)
52. Make provisions for installation of all mandated erosion control measures to achieve City inspector approval at least 24 hours prior to call for foundation footing form inspection from the Building Division. (Site Development Div./JJD)

F. Prior to Occupancy of any Building Permit, the applicant shall:

53. Have substantially completed the site development improvements as determined by the City Engineer. (Site Development Div./JJD)
54. Have recorded the final plat in County records and submitted a recorded copy to the City. (Site Development Div./JJD)
55. Have the landscaping completely installed or provide for erosion control measures around any disturbed or exposed areas per Clean Water Services standards. (Site Development Div./JJD)

56. Have placed underground all existing overhead utilities and any new utility service lines within the project and along any existing street frontage as determined at permit issuance. (Site Development Div./JJD)
57. Install or replace, to City specifications, all sidewalks which are missing, damaged, deteriorated, or removed by construction. (Site Development Div./JJD)
58. Have obtained a Source Control Permit (AKA Industrial Sewage Permit) from the Clean Water Services District and submitted a copy to the City Building Official if such a permit is required, as determined by CWS. (Site Development Div./JJD)
59. Ensure all site improvements, including grading and landscaping are completed in accordance with plans marked "Exhibit A", except as modified by the decision making authority in the Conditions of Approval (On file at City Hall). (Planning/SF)
60. Ensure construction of all buildings, walls, fences and other structures are completed in accordance with the elevations and plans marked "Exhibit B", except as modified by the decision making authority in the Conditions of Approval (On file at City Hall). (Planning/SF)
61. Ensure all construction is completed in accordance with the Materials and Finishes form and Materials Board, both marked "Exhibit C", except as modified by the decision making authority in the Conditions of Approval (On file at City Hall). (Planning/SF)
62. Ensure all landscaping approved by the decision making authority is installed. (Planning/SF)
63. Ensure that the planting of all approved trees, except for street trees or vegetation approved in the public right-of-way, has occurred. Trees shall have a minimum caliper of 1-1/2 inches and be adequately staked. (Planning/SF)
64. Ensure all landscape areas are served by an underground landscape irrigation system. For approved xeriscape (drought-tolerant) landscape designs and for the installation of native or riparian plantings, underground irrigation is not required provided that temporary above-ground irrigation is provided for the establishment period. (Planning/SF)
65. Comply with the B3-High screen buffer requirements as outlined within Section 60.05.25.13.D of the Beaverton Development Code along all property lines adjacent to residentially zoned property. The buffer adjacent to the City R2 zoned properties shall be a minimum of 10 feet in width, and a minimum of 20 feet adjacent to the Washington County R5 zoned property. (Planning/SF)

G. Prior to Release of Performance Security, the applicant shall:

66. Have completed the site development improvements as determined by the City Engineer and met all outstanding conditions of approval as determined by the City Engineer and Planning Director. Additionally, the applicant and professional(s) of record shall have met all obligations under the City Standard Agreement to Construct Improvements and Retain Design Professional Registered in Oregon, as determined by the City Engineer. (Site Development Div./JJD)

67. Submit any required on-site easements, executed and ready for recording, to the City after approval by the City Engineer for area encumbered and City Attorney as to form. The applicant's engineer or surveyor shall verify all pre-existing and proposed easements are of sufficient width to meet City standards. (Site Development Div./JJD)
68. Provide evidence of a post-construction cleaning, system maintenance, and filter recharge/replacement per manufacturer's recommendations for the site's proprietary storm water treatment systems by Bayfilter qualified maintenance provider as determined by the City Engineer. Additionally, another servicing report from the maintenance provider will be required prior to release of the required maintenance (warranty) security. (Site Development Div./JJD)

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H. Prior to Final Plat approval, the applicant / developer shall:

69. Have verified to the satisfaction of the City Engineer that the location and width of proposed rights of way and easements are adequate per the overall development plan; that each parcel and tract has proper access provisions; and that each parcel and tract has adequate public utility service provision/availability per adopted City standards and requirements. (Site Development Div./JJD)
70. Submit paper copies of the proposed final plat to the City for review, and approval, prior to recording. Mylars should not be printed for signature until the City has approved the final form of the proposed plat. (Planning / SF)

TP2017-0016 Tree Plan Two

71. Final decision shall expire automatically two (2) years from the effective date of decision unless substantial completion has occurred or an extension has been applied for and is subsequently granted. (Planning/SF)
72. Ensure that the Design Review Two (DR2017-0138) application has been approved and is consistent with the submitted plans. (Planning/SF)
73. Provide tree protection fencing in accordance with the standards of Section 60.60.20 of the Development Code. Any alternatives to the standards in 60.60.20 must be approved by the City Arborist. (Planning/SF)
74. Prior to Site Development Permit issuance provide written consent from the southern property owner for removal of tree #1492 (as identified in the arborist report of the applicant materials). Should written permission not be granted the tree must be protected during construction in accordance with Section 60.60.20.1 of the Development Code. (Planning/SF)